



FOOD AND AGRICULTURAL LEGISLATION

Volume XXII - No. 1

June 1973



FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS - ROME, ITALY

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ALGERIA	Journal officiel de la République algérienne démocratique et populaire	J.O.R.A.
ARGENTINA	Boletín Oficial de la República Argentina	B.O.
AUSTRALIA		
Commonwealth	Commonwealth of Australia Gazette	C.A.G.
New South Wales	Government Gazette of the State of New South Wales	N.S.W.G.G.
South Australia	The South Australian Government Gazette	S.A.G.G.
Western Australia	Government Gazette of Western Australia	G.G.W.A.
AUSTRIA	Bundesgesetzblatt für die Republik Österreich	BGBI.
BELGIUM	Moniteur Belge	M.B.
BOTSWANA	Government Gazette	G.G.
CANADA	The Canada Gazette (La Gazette du Canada) Part II	C.G. II
CHILE	Diario Oficial de la República de Chile	D.O.
COLOMBIA	Diario Oficial	D.O.
DENMARK	Lovtidende A	Lt. A
DOMINICAN REPUBLIC	Gaceta Oficial	G.O.
ECUADOR	Registro Oficial	R.O.
ETHIOPIA	Negarit Gazeta	N.G.
EUROPEAN ECONOMIC COMMUNITY	Journal officiel des Communautés européennes	J.O.C.E.
FINLAND	Finlands Författningssamling	F.F.
GABON	Journal officiel de la République gabonaise	J.O.R.G.
GERMAN DEMOCRATIC REPUBLIC	Gesetzblatt der Deutschen Demokratischen Republik, Teil I	GBI. I
	Gesetzblatt der Deutschen Demokratischen Republik, Teil II	GBI. II

Official Sources

<i>Country</i>	<i>Title</i>	<i>Abbreviation</i>
GERMANY (Federal Republic)	Bundesgesetzblatt, Teil I	BGBI. I
GREECE	Ephemeris tes Kuberneseos, Part II	E.K. II
HONDURAS	La Gaceta	La G.
HUNGARY	Magyar Közlöny	M.K.
	Mezőgazdasági és Élelmészügyi Értesítő	MÉM. E.
INDIA	The Gazette of India	G.I.
West Bengal	The Calcutta Gazette	C.G.
IRAQ	The Weekly Gazette of the Republic of Iraq	W.G.
IRELAND	Iris Oifigiúil	I.O.
ITALY	Gazzetta Ufficiale della Repubblica Italiana	G.U.
KENYA	The Kenya Gazette	K.G.
LEBANON	Official Gazette	—
LIBYAN ARAB REPUBLIC	Official Gazette	—
MALAWI	The Malawi Government Gazette	M.G.G.
MALAYSIA	His Majesty's Government Gazette	H.M.G.G.
MEXICO	Diario Oficial	D.O.
NETHERLANDS	Nederlandse Staatscourant	Stc.
	Staatsblad van het Koninkrijk der Nederlanden	Stbl.
NIGER	Journal Officiel de la République du Niger	J.O.R.N.
NORWAY	Norsk Lovtidend	N.L.
PAKISTAN	The Gazette of Pakistan	G.P.
PANAMA	Gaceta Oficial	G.O.
PERU	El Peruano	El P.
PHILIPPINES	Official Gazette	O.G.
PORTUGAL	Diário do Governo	D.d.G.
SOUTH AFRICA	Government Gazette	G.G.
SPAIN	Boletín Oficial del Estado	B.O.E.
SRI LANKA	Acts of the Parliament of Ceylon	Acts
SWAZILAND	Acts	Acts

Official Sources

<i>Country</i>	<i>Title</i>	<i>Abbreviation</i>
SWEDEN	Svensk Författningssamling	S.F.
SWITZERLAND	Recueil des lois fédérales	R.L.F.
SYRIAN ARAB REPUBLIC	Recueil des Lois et de la Législation financière de la République Arabe Syrienne	R.L.
TUNISIA	Journal Officiel de la République Tunisienne	J.O.R.T.
TURKEY	Resmî Gazete	R.G.
UNITED KINGDOM	Current Law Statutes	C.L. St.
	Statutory Instruments	S.I.
UNITED STATES OF AMERICA	Federal Register	F.R.
	Treaties and other International Acts Series	T.I.A.S.
URUGUAY	Diario Oficial de la República Oriental del Uruguay	D.O.
VENEZUELA	Gaceta Oficial de la República de Venezuela	G.O.
ZAMBIA	Government Gazette	G.G.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations concerning the legal or constitutional status of any country, territory or sea area, or concerning the delimitation of frontiers.

CHRONOLOGICAL INDEX BY COUNTRY

Abbreviations

agric.	agricultural	instr.	instruction
conc.	concerning	legisl.	legislative
consol.	consolidated	min.	ministerial
coop.	cooperative	notif.	notification
d.	decree(s)	ord.	ordinance(s)
d.-l.	decree-law	regul.	regulation(s)
establ.	establishing	rel.	relating/relative
fed.	federal	resol.	resolution(s)

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"	16 Feb.	D. No. 37 revoking D. No. 78 of 1969 and appointing the National Committee on Sheep Production	4

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II. PLANT PRODUCTION – PLANT PRODUCTS INDUSTRY

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PHILIPPINES. – Republic Act No. 6260: An Act instituting a Coconut Investment Fund and creating a Coconut Investment Company for the Administration thereof. – 19 June 1971. – *O.G.* No. 43, 25 October 1971, p. 8492. [Terms of reference, operation.]

SOUTH AFRICA. – G.N. No. R.1699 – Wine and Spirit Control Regulations. – 22 September 1972. – *G.G.* No. 3658, 22 September 1972, p. 30. [Made under the Wine and Spirit Control Act, 1970, in substitution for the regulations contained in G.N. No. R.82 of 20.1.1967, as amended. Extensive provisions, various forms appended.]

II/3 – PRODUCTION AND CONTROL OF SEEDS AND NURSERY STOCKS

KENYA. – Act No. 1 of 1972: The Seeds and Plant Varieties Act, 1972 (An Act of Parliament to confer power to regulate transactions in seeds, including provision for the testing and certification of seeds; for the establishment of an index of names of plant varieties; to empower the imposition of restriction on the introduction of new varieties; to control the importation of seeds; to authorize measures to prevent injurious cross-pollination; to provide for the grant of proprietary rights to persons breeding or discovering new varieties; to establish a Tribunal to hear appeals and other proceedings; and for purposes connected with and incidental to the foregoing). – 16 May 1972. – *K.G.* No. 25, Supplement No. 32, 16 May 1972, p. 1.

SPAIN. – Decree No. 3156/1972 of the Ministry of Agriculture relative to the organization of the National Seed and Nursery Stock Institute. – 26 October 1972. – *B.O.E.* No. 277, 18 November 1972, p. 20571. [Institute set up by the Seeds Act No. 11/1971 (30 March 1971).]

II/4 – PLANT BREEDERS' RIGHTS

KENYA. – See under II/3.

II/6 – MANUFACTURE AND USE OF FERTILIZERS,
SOIL AMENDMENTS, ETC.

AUSTRALIA (New South Wales). – Regulations under the Fertilizers Act, 1934. – Amendment. – 12 April 1972. – *N.S.W.G.G.* No. 44, 28 April 1972, p. 1468. [Extensive provisions, forms, etc.; repeal all regulations in force under the provisions of the Act before 1 January 1973.]

SWITZERLAND. – Manual of agricultural requisites. – Chapter “Fertilizers” (Fertilizer Register). – 26 May 1972. – *R.L.F.* No. 25, 30 June 1972, p. 1044. [Standards of composition.]

III. PLANT PROTECTION

III/3 – INSPECTION, REPORTING AND CONTROL OF PESTS AND DISEASES

SWITZERLAND. – Ordinance relative to plant protection. – Amendment. – 18 December 1972. – *R.L.F.* No. 52, 22 December 1972, p. 2919. [Amends Ordinance of 5 March 1962. Renumbering of subtitles; modification of marginal titles; appointment of Plant Protection Commission with advisory responsibilities.]

III/5 – MANUFACTURE AND USE OF PESTICIDES

ALGERIA. – Joint Ministerial Order laying down conditions governing the use of toxic substances in agriculture. – 25 July 1972. – *J.O.R.A.* No. 74, 15 September 1972, p. 931. – [Defines “treatment prohibited during the days preceding the harvest” and “treatment prohibited on plants in flower”. Lists chemicals and periods of prohibition for each.]

AUSTRALIA (Western). – Pesticides Regulations under the Health Act, 1911, as last amended on 21 January 1972. – [11 April 1956.] – *G.G.W.A.* No. 79, 29 August 1972, p. 3351. [Reprint of consolidated text.]

GERMANY (Federal Republic). – Act on Trade in DDT (DDT Act). – 7 August 1972. – *BGBI.* I No. 82, 10 August 1972, p. 1385. [Prohibition, definitions, exceptions, marking, tolerances, penalties.]

INDIA. – Insecticides Rules 1971, framed under the Insecticides Act, 1968 (46 of 1968). – Republished in *Kerala Gazette* No. 16, 18 April 1972, Pt. I, Supplement, Section *ii*. [Functions of Board; registration of insecticides, licences; packing and labelling; analysts, etc.]

PHILIPPINES. – Procl. No. 988 declaring the third week of April 1972 as Pest Control Week. – 21 March 1972. – *O.G.* No. 13, 27 March 1972, p. 2544. [To encourage personnel of public and private offices and institutions to participate in national pest control conferences in the interest of pest control science and technology.]

IV. ANIMAL PRODUCTION - ANIMAL PRODUCTS INDUSTRY

IV/1 - STOCKBREEDING

BOTSWANA. - S.I. No. 90 of 1971: Livestock Control (Model) Bye-Laws, 1971, pursuant to the Local Government (District Councils) Law, 1965 (35 of 1965). - 20 July 1971. - *G.G.* No. 41, 30 July 1971, Supplement H 338. [Various provisions relative to the keeping of animals, prohibitions, etc.]

CHILE. - Decree No. 32 of the Ministry of Agriculture revoking Decree No. 184 of 1966, issued by the said Ministry, and appointing the National Committee on Swine Production. - 16 February 1972. - *D.O.* No. 28.217, 5 April 1972, p. 1456.

CHILE. - Decree No. 37 of the Ministry of Agriculture revoking Decree No. 78 of 1969, issued by the said Ministry, and appointing the National Committee on Sheep Production. - 16 February 1972. - *D.O.* No. 28.217, 5 April 1972, p. 1460.

IRELAND. - S.I. No. 299 of 1972: Importation of Animal Semen (Prohibition) Order, 1972. - 1 December 1972. - *I.O.* No. 99, 12 December 1972, p. 1417. [Requires import licence for the semen of the following animals: (a) dogs, cats, and all ruminating animals, except cattle, sheep and goats; (b) domestic fowls, turkeys, geese, ducks, guinea-fowls, partridges, pheasants and pigeons.]

MALAYSIA. - Act No. A107: Animals (Amendment) Act, 1972 (An Act to amend the Animals Ordinance, 1953). - 28 March 1972. - *H.M.G.G.* No. 7, Supplement No. 9 (Acts), 31 March 1972. [Inserts in section 86 a new paragraph on the regulation and control of abattoirs and slaughterhouses.]

IV/2 - ANIMAL DISEASES. QUARANTINE LEGISLATION. VETERINARY PRODUCTS

CHILE. - Decree No. 12 of the Ministry of Agriculture approving the regulations for the control and prevention of foot-and-mouth disease; and revoking specified decrees. - 28 January 1972. - *D.O.* No. 28.204, 18 March 1972, p. 1246. [Comprehensive provisions.]

GERMANY (Federal Republic). - Act on the Establishment of a Federal Sera and Vaccines Office. - 7 July 1972. - *BGBI.* I No. 64, 11 July 1972, p. 1163. [Terms of reference of official institute, to be known as "Paul Ehrlich Institut", *inter alia*, as regards veterinary applications of sera, vaccines, etc. Amends Medicines Act of 16 May 1961.]

GERMANY (Federal Republic). - Act amending the Cattle Diseases Act. - 7 August 1972. - *BGBI.* I No. 80, 8 August 1972, p. 1363. [Extensive amendment covering, *inter alia*, compensation for loss of animals; insertion of new paragraph (17c) on sera, vaccines and antigens.]

IRELAND. – See under IV/1.

MALAWI. – G.N. No. 119 – Control and Diseases of Animals (Eradication of Bovine Tuberculosis) Rules, 1972. – 10 June 1972. – *M.G.G.* No. 33, 7 July 1972, Suppl. (No. 26A), p. 185. [Pursuant to the Control and Diseases of Animals Act (Cap. 66:02). Control measures; forms.]

UNITED KINGDOM. – The Brucellosis Orders 1972, respectively for Scotland and for England and Wales. – 7 and 9 October 1972. – *S.I.* 1972, Nos. 1539 and 1521, respectively. [Enable Minister to cause animals to be slaughtered on account of brucellosis on payment of compensation.]

URUGUAY. – See under XI/6.

IV/3 – ANIMAL PRODUCTS INDUSTRY

AUSTRALIA (Commonwealth). – Act No. 111 of 1972: *The Wool Industry Act 1972* (An Act relating to the wool industry). – 31 October 1972. – *Commonwealth of Australia Acts* No. 111. [Summary.]

The object of this Act is to promote internal and external trade in wool and wool products, to encourage their production and use in the Australian Territories and to ensure the availability of wool stores in case of war (Sec. 5). The Act repeals the Wool Industry Act 1962-1971 and the Australian Wool Commission Act 1970-1971. It establishes the Australian Wool Corporation, consisting of nine members, four of whom are to represent Australian woolgrowers, with wide terms of reference in connection with wool marketing (Sec. 38-42) and wool use promotion (Sec. 43). It maintains in being the Australian Wool Testing Authority, which is responsible for carrying out tests on wool and wool products and for issuing certificates and making reports in respect of such tests. It also maintains in being the Wool Research Trust Fund first established by the Wool Research Act 1957.

KENYA. – Act No. 7 of 1972: *The Meat Control Act, 1972* (An Act of Parliament to enable control to be exercised over meat and meat products intended for human consumption, and over slaughterhouses and places where such meat is processed; and to provide for import and export control over such meat and meat products; and for matters incidental to and connected with the foregoing). – 6 July 1972. – *Kenya Gazette* No. 34, 14 July 1972, Supplement No. 45, p. 65.

1. This Act may be cited as the Meat Control Act, 1972.

2. In this Act, unless the context otherwise requires —

“animal” means any mammal or bird declared by the Minister, by notice in the Gazette, to be an animal to which this Act applies;

“meat” means any portion of an animal which is intended for human consumption, whether fresh, chilled or frozen or otherwise processed by any means whatsoever or included in any article of food for human consumption;

“the Minister” means the Minister for the time being responsible for veterinary services;

“slaughterhouse” means any place kept for the purpose of the slaughter of animals for human consumption.

3. (1) The Minister may make regulations —

- (a) providing for the licensing, control and regulation of slaughterhouses and of premises where meat is processed in any manner for human consumption, including the maintenance of technical and, in consultation with the Minister for the time being responsible for health, sanitary and hygiene standards in such slaughterhouses and premises;
- (b) defining areas to be served by specified slaughterhouses;
- (c) specifying standards, in consultation with the Minister for the time being responsible for health, to be observed in respect of the manufacture of meat products, including the name or description, composition, additives or contaminants, labelling and packaging of such products;
- (d) providing for the inspection of slaughterhouses and premises, and the taking of samples of meat products and food additives or contaminants used in connexion therewith;
- (e) specifying the standards to be observed in respect of the storage and transportation of meat, and the transportation of animals intended for slaughter;
- (f) for the licensing and control of imports and exports of meat;
- (g) for the professional control, supervision and licensing of persons appointed to carry out any inspections in specified areas under the regulations;
- (h) prescribing forms to be used and fees to be paid in respect of things to be done under the regulations;
- (i) generally for the purpose of ensuring that meat is wholesome and properly fit for human consumption.

(2) Regulations under this section —

- (a) may be made applicable to the whole or any part of Kenya, and different regulations may be made in respect of different parts of Kenya;
- (b) may be made applicable to all slaughterhouses or premises used for meat processing, and different regulations may be made in respect of different classes of slaughterhouses or premises;

- (c) may make such differential provision in respect of other matters as the Minister may consider necessary;
- (d) may provide for the penalties, not exceeding a fine of ten thousand shillings or imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, which may be imposed in respect of any breach of the regulations, and may provide for continuing penalties, not exceeding two hundred shillings, in respect of each day during which any such breach continues.

SWITZERLAND. – Ordinance relative to the Inspection and Advisory Service for the Dairy Industry; and, *pursuant thereto*, Ordinance relative to the Milk Hygiene Service. – 22 November 1972. – *Recueil des lois fédérales* No. 51, 15 December 1972, pp. 2837 and 2859. [Summary.]

The principal Ordinance is issued by the Federal Council by virtue of powers granted under the Agriculture Act ¹, the Milk Code ² and the 1971 Order relative to the Dairy Industry (issued on 2 July 1971 and published in the *Recueil des lois fédérales* No. 43, of 29 October 1971, p. 1555). In particular, Article 13 of the Order declares it to be incumbent on the Cantons to maintain in being and to adapt as need arises an inspection and advisory service for the dairy industry. Supervisory responsibilities where this service is concerned are vested in the Confederation.

The provisions here summarized repeal, with effect from 1 January 1973, the Ordinance of 29 December 1954 on the same subject. They are arranged as follows: 1. General (Arts. 1 and 2); Organization of the inspection and advisory service and the tasks incumbent on its organs (3-15); 3. Financial matters (16); 4. Special provisions (17-19); 5. Measures applicable in cases of infringement (20-28); 6. Appeals; final provisions (29-32). Schedule: List of offences under the Swiss Milk Marketing Regulations and penalties for each.

For the sake of brevity, this summary deals with the main aspects of Articles 1 to 16 and the Schedule only.

Thus, it is laid down in the first place that the purpose of the inspection and advisory service is to secure the protection and improvement of the health of milch cows and of the quality of the milk marketed or processed (Art. 1). It is thus responsible for the enforcement of the Swiss Milk Marketing Regulations and for paying for commercial milk on a quality basis, and for operating as a milk hygiene service (see enforcement regulations in the Ordinance summarized below) and as an advisory body for all those who produce, collect or process milk (Art. 2).

¹ *Ed. Note*: published in *Food and Agricultural Legislation*, Vol. I, No. 1, fasc. 1.

² *Ibid*, Vol. II, No. 4, fasc. 10.

The various organs of the service are listed in Art. 4, thus (the articles noted in parentheses refer to those regulating the respective terms of reference): (a) the Federal Central Dairy (5); (b) Supervisory Commission for cantonal or regional inspection and consultation or services for the milk industry (6 and 8); (c) cantonal and regional central dairies (9 and 10); (d) dairy inspectors and technical advisers for cantonal and regional central dairies (12); (e) inspectors and control laboratories for the milk processing industries (13); (f) veterinary counsellor of the Milk Hygiene Service and advisory officers on milking (7); (g) cantonal and regional penalties commissions (15); (g) local control organs of the dairy companies; sample takers (14).

Thirty percent of the costs of the service are to be defrayed by the milk producer's organizations (or, as appropriate, the milk processing industries as well and, according to the canton's means, 30-40 percent by the Confederation and 25-40 percent by the canton itself.

The Schedule lists offences under the Swiss Milk Marketing Regulations according to the penalties incurred, thus: (1) Cases where a milk inspector issues a written warning pursuant to Art. 22 of the Ordinance: forty-four kinds of offences; (2) Cases where a milk inspector is required to impose an administrative fine pursuant to Art. 23 of the Ordinance: thirty-one kinds of offences; (3) Cases where it is required, pursuant to Art. 24 of the Ordinance, to report the offence to the Penalties Commission, the latter imposing the penalty: twenty-three kinds of offences.

Under the enforcement regulations issued pursuant to Art. 7 of this, the principal, Ordinance, the Milk Hygiene Service is declared to be a constituent part of the Inspection and Advisory Service for the Dairy Industry, and its activities are regulated as provided for in regulations issued by the Department of Public Economic Affairs. Thus, the Department has issued an Ordinance (references as in title) establishing the Milk Hygiene Service and vesting in it responsibility for "enforcing appropriate measures for the prevention, regulation and control of disorders of the lactic secretion in milch animals" (Art. 1). In carrying out its tasks (defined in Arts. 2 and 3) it reports to the Federal Central Dairy, to which is now appointed an advisory committee of hygiene experts (Arts. 4 and 5). Persons having animals in their possession are responsible (Art. 7) for treating ailments affecting milch cows as reported in respect of their herds by the Milk Hygiene Service, and themselves pay the veterinarian's fees. If the instructions of the Service are not obeyed, the inspector, when so required by the Central Dairy, in serious cases is to order the suspension of taking delivery of milk (Art. 8).

AUSTRALIA (Western). – Meat Inspection and Branding Regulations under the Health Act, 1911, as last amended on 27 March 1972. – [21 March 1960]. – *G.G.W.A.* No. 93, 3 October 1972, p. 3967. [Reprint of consolidated text.]

BOTSWANA. – Act No. 22 of 1972: The Botswana Meat Commission (Amendment) Act, 1972 (An Act to amend the Botswana Meat Commission Law, 1965, by widening

the functions which the Commission may undertake and by making the improvement of the standard and condition of livestock sent for slaughter or sold on the hoof and other commercial schemes to be purposes of the Commission; to enable the Commission to form companies to carry out any of the purposes which it might carry out itself; to alter the method by which taxable income of the Commission is assessed and to provide for matters incidental thereto). – 18 October 1972. – *G.G.* No. 55, 3 November 1972, Suppl. A, p. 181.

MALAYSIA. – See under IV/1.

UNITED STATES OF AMERICA. – Code of Federal Regulations, Title 9 – Animals and Animal Products. Chapter III – Animal and Plant Health Inspection Service (Meat and Poultry Inspection), Department of Agriculture. Subchapter C – Mandatory Poultry Products Inspection. Part 381 – Poultry Products Inspection Regulations. – 5 May 1972. – *F.R.* Vol. 37, No. 95, 16 May 1972, p. 9706. [Regulations in 7 CFR Part 81 transferred to 9 CFR Chap. III, as new Subchapter C, Part 381, and revised.]

VENEZUELA. – Joint Ministerial Resolution instituting the National Beef and Veal Board to advise the Ministries of Development and of Agriculture in matters pertaining to livestock production, the processing and marketing of meat, the said Board to have 14 (fourteen) full members and alternates for each. – 13 September 1972. – *G.O.* No. 29.911, 20 September 1972, p. 223.845.

IV/4 – APICULTURE, AVICULTURE, SERICULTURE

FINLAND. – Ordinance on honey. – 17 December 1971. – *F.F.* 1971, No. 911. [Specifications of the natural product. Chemical, organoleptical purity and storage requirements. Allusive labelling restrictions in respect of nonstandard products.]

LEBANON. – Regulations for egg processing and preservation centres. – Undated. – Official Gazette No. 10, 4 February 1971, p. 95.

LEBANON. – Ordinance No. 62 of the Ministry of Agriculture amending Article 15 of the Regulations concerning egg processing and preservation centres. – 2 March 1971. – Official Gazette No. 20, 11 March 1971, p. 348.

IV/5 – PROTECTION OF ANIMALS

GERMANY (Federal Republic). – Animal Protection Act. – 24 July 1972. – *Bundesgesetzblatt* I No. 74, 29 July 1972, p. 1277. [Summary.]

This revises and consolidates animal protection legislation and repeals the 1933 Act (of 24 November of that year) together with a number of its implementation regulations.

The new Act consists of twelve chapters and 23 sections — respectively in Roman and Arabic figures here — thus: I - Basic principle (1); II - The keeping of animals (2 and 3); III - The slaughtering of animals (4);

IV - Operations performed on animals (5 and 6); V - Experiments on animals (7-9); VI - Operations performed on animals for educational purposes (10); VII - Trade in animals (11); VIII - Prohibitions on the movement of, traffic in, and holding of animals (12); IX - Rule-making powers; collaboration of the customs services (13 and 14); X - Enforcement of the Act (15 and 16); XI - Penalties (17-20); XII - Transitional and final provisions (21-23).

Among other specifications and innovations, one may note, in connexion with livestock and slaughter animals, the following:

The purpose of the Act is to protect the lives and well-being of animals. No person may inflict pain or suffering or harm on an animal without reasonable cause (Section 1).

To the prohibitions contained in the earlier Act which are taken over, with greater precision, in the present text, is now added a positive obligation for persons having animals in their possession or under their charge, thus: they must provide, in accordance with conditions to be laid down, for the appropriate feeding, care and stabling of their animals. They may not hinder, in lasting fashion or in such a way as to cause unnecessary pain or harm, the freedom of movement of an animal. Thus, too, the scope of certain prohibitions is now extended to the industrial use of animals. Certain new prohibitions are introduced such as those of forced feeding not justified by health reasons, feeding with products resulting in evident pain, suffering or major harm, the dispatch of animals under cash-on-delivery arrangements (Sections 2 and 3).

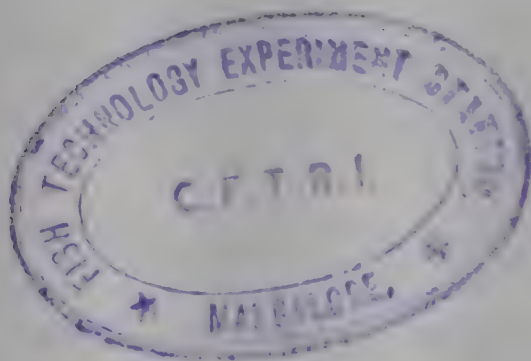
The slaughtering of vertebrates is to be done under anaesthesia or, as far as possible, without inflicting pain. The implementation regulations may prohibit, approve or prescribe methods of slaughter (Section 4).

The requirement of anaesthesia for certain painful operations may now be waived in nine cases (these are listed, and include castration, dehorning and certain amputations) and the prohibition to operate applies in four cases, also specified (Sections 5 and 6).

Prior notification of the appropriate authorities is required of any person intending to engage in trade in animals unless he is a farmer marketing animals raised on his own holding or a member of an approved association of stockbreeders and operates solely within the framework of the association's objectives. The sale of animals to persons under fourteen years of age is subject to the authorization of the child's parent or guardian (Section 11).

Prohibitions on the movement of, and traffic and trade in, animals as laid down in the Act apply throughout Federal territory. The animals affected are those that have undergone certain kinds of ill-treatment, with discernible effects, such that keeping them alive can only prolong their suffering (Section 12).

Section 13 provides that the implementation regulations etc., concerning the keeping and stabling of animals (subsection 1) may lay down rules relative to: (1) the nature and extent of the restrictions that may be placed on the freedom of movement of animals and their needs in the way of herd life; (2) requirements governing premises, cages, boxes or other stabling installations, and fixtures for tying up and feeding animals; (3) requirements governing stabling — lighting, temperature, humidity, ventilation and aeration; (4) holding and watching over animals by those in whose possession or under whose charge they are.



V. LAND AND WATER USE

V/1a – LAND TENURE IN GENERAL

SRI LANKA. – Act No. 20 of 1972: Abolition of Fideicommissa and Entails Act, 1972 (An Act to abolish Fideicommissa, Entails, Settlement and Restraints on Alienation; to regulate and provide for Title to Property now subject to Fideicommissa, Entails, Settlements and Restraints; to limit the creation or operation of interests in Remainder or Reversion; and to provide for matters connected therewith or incidental thereto). – 12 May 1972. – *Acts of the Parliament of Ceylon*, 2nd Session 1971-72.

V/1b – LAND REFORM IN GENERAL

PAKISTAN. – *The Land Reforms Regulation, 1972.* – *The Gazette of Pakistan*, Extraordinary, 11 March 1972, p. 291.

Appealing to the principle that Islam abhors the concentration of wealth and economic powers in the hands of a few, and with a view to making agriculture a profitable vocation, this Regulation, which repeals the West Pakistan Land Reforms Regulation, of 1959, defines the basic elements of land reform in respect of certain provinces.

The enforcement of this Regulation is the responsibility of Land Commissions for the provinces concerned constituted for the purpose under the Chairmanship of the Governor of the Province and empowered to nominate a Chief Land Commissioner (Part II).

Various measures to be applied for land reform purposes are laid down, thus:

- (a) Restrictions on ownership and possession of land and determination of the limits on individual holdings of irrigated or unirrigated land, exceptions being made in the light of equipment (tractor, pump, etc.) that the farmer may have (Part III);
- (b) provisions regarding the choice and exchange of land areas in excess of the permitted maximum (Part III);
- (c) provisions vesting excess land in the Government (Part IV);
- (d) provisions affecting the utilization of surrendered and resumed land (Part V);

(e) restrictions on the alienation of holdings including joint holdings (Part VI);

(f) provisions regarding the rights and obligations of tenants (Part VII).

Part IX lays down, *inter alia*, severe penalties, including imprisonment for up to seven years, for contravention of, or failure to comply with, the provisions of this Regulation or rules or orders made thereunder.

PHILIPPINES. – Republic Act No. 6389, amending Republic Act No. 3844¹ as amended, otherwise known as the Agricultural Land Reform Code, and for other purposes. – 10 September 1971. – *Official Gazette* No. 5, 31 January 1972, p. 915. [Summary.]

The amendments to the 1964 Agricultural Land Reform Code are designed chiefly to improve the methods of financing land reform operations, to strengthen the powers of local governments under the Agrarian Reform Program and to provide for an expanded program of land capability survey and classification.

To this end, the land reform institutions set up by the 1964 Act, such as the Land Authority and the National Land Reform Council, are now replaced by a Department of Agrarian Reform, directly under the control of the President of the Republic and headed by a Secretary, himself assisted by an Undersecretary (Sections 49 to 50-E).

With a view to decentralizing the administration of agrarian reform the Department is empowered to set up regional and other field offices (Section 50-I). The regional offices, staffed by government-appointed civil servants, comprise several services for extension, credit, legal aid, cooperatives, etc. The purpose of these offices is: to implement laws, rules and regulations and the policies, plans and programs of the Department; to provide economical and efficient services to the people in the area; and to coordinate with regional offices of other departments, bureaus and agencies in the area.

Agricultural credit is to be reorganized to enable it to align its activities with the objectives of the Code, an important role being assigned to cooperatives and farm associations for this purpose.

Pursuant to the decentralization policy mentioned earlier, a new Section (128-A) concerns the participation of local (provincial, municipal, etc.) governments in the implementation of the Agrarian Reform Program.

The courts of Agrarian Relations have their jurisdiction extended to include, *inter alia*, arbitration, while procedures are streamlined in several aspects.

¹ Published in *Food and Agricultural Legislation*, Vol. XIII, No. 2, fasc. 6.

TURKEY. – Law No. 1617: The Law of Preliminary Measures for Agrarian Reform.¹ – 22 July 1972. – *Resmî Gazete* No. 14257, 26 July 1972, p. 2. [Extracts and summaries.]

SECTION I

PROVISIONS RELATED TO THE PRELIMINARY MEASURES FOR AGRARIAN REFORM

Purpose

1. This law covers provisions related to the preliminary measures required for the realization of Agrarian Reform.

Definition of Agricultural Land in Regard to this Law

2. Land, excluding forests, presently suitable for cultivation, plantations, farmsteads, pastures, or animal breeding; or land which lends itself to improvement to serve the above-mentioned purpose; is called agricultural land.

.....

Provisions in Regard to Vineyards, Orchards and the like

3. [Omitted.]

Possessions Not Affected by the Implementation of Agrarian Reform

4. Any agricultural land subjected to any kind of transfer effected between 20.7.1961 and the date this law comes into effect, unless there are legal grounds for exception, in favour of up to a third degree blood and up to a second degree matrimonial relative or a spouse, shall be totally expropriated, according to the principles to be stated in the Agrarian Reform Law if the land is not being operated and/or cultivated by the owner himself in accordance with the principles to be defined in the Agrarian Reform Law.

If both spouses are living and if the matrimonial relationship between them exists at the date this law comes into effect, and if they both appear to personally engage in farming, the sum of the lands owned by them may remain outside the scope of expropriation to be carried out in accordance with the Agrarian Reform Law within the limits determined by the law.

Exceptional Cases

5. An agricultural land shall remain outside the scope of Article 4 of this law in the following cases:

¹ *Ed. Note:* English translation kindly provided by the Turkish authorities.

² *Ed. Note:* The law entered into force on 26 July 1972.

5. (a) If the legal inheritance shares have been transferred through inheritance to the legal heirs,
 (b) If transfers have been made through obligatory enforcement.

Restrictions on the Right of Transfer

6. The transfer of independent parcels of agricultural land larger than 30 "dönüms,"¹ excluding transfers through legal inheritance, carried out after this law comes into effect, shall be regarded as void in relation to the implementation of the Agrarian Reform. However, if persons or their heirs who are going to purchase land after this law comes into effect, are operating and/or cultivating the said land themselves at the commencement of the enforcement of Agrarian Reform in that region in accordance with the principles to be stated in the Agrarian Reform Law; and if the sum of the land they own does not exceed the standard acreage to be defined for that region for land distribution, the purchased land shall not be subject to expropriation under the law of Agrarian Reform.

.....

Restriction on the Right of Allotment and Division

7. [Omitted.]

Prohibition of Assignments of Some Land Distributed by the State and Discontinuing the Land Distribution

8. [Omitted.]

The Legal Authority and the Method of Jurisdiction

9. Disputes arising from the enforcement of this law shall be settled by the Courts of Justice through simple trial procedures.

Responsibility of Declaration

10. The owners and/or occupants of agricultural land are responsible for declaring land to the authorized offices indicated in Article 11, within the first six months after the announcement of the Council of Ministers decree in the official gazette, defining and declaring the Reform Regions of implementation, after this law comes into effect.

.....

The owner of immovable assets; the occupant of non-registered immovable assets; the guardian, trustee, or caretaker for land under guardianship or

¹ Ed. Note: 1 dönüm = 919.3 m².

trusteeship; the representative or one of the shareholders of shared property; and the authorized representative for land belonging to juridical persons shall prepare and sign the declaration.

.....
The declarations are not subject to any charge, fee or tax.

Officers Authorized to Receive Declarations

11. [Summary: Defines the administrative authorities to which declarations are to be submitted.]

Sanction for Failure to Submit Declarations Before the Deadline and for False Declarations

12. [Omitted.]

Agrarian Reform Organization

13. An Agrarian Reform Undersecretariat has been set up under the Prime Minister or Ministry commissioned by the Prime Minister to be in charge of the enforcement of this law and to carry out and maintain services related to Agrarian Reform.

Authority of Appointment and Contracted Employment

14. [Omitted.]

Appointment of Personnel from Other Organizations

15. [Omitted.]

Employment of Academic Staff and Their Assistants

16. [Omitted.]

The Recipient of the Expropriation Payments

17. [Omitted.]

The amount of land that can be retained by an owner under Agrarian Reform Implementation

18. [Omitted.]

Expenditure for the Year 1972.

19. [Omitted.]

SECTION II [Omitted.]

ALGERIA. – Decree No. 72-109 issuing model allocation contracts pursuant to the Agrarian Revolution. – 7 June 1972. – *J.O.R.A.* No. 51, 27 June 1972, p. 631. [Models of collective and individual contracts appended.]

HONDURAS. – Order No. 7 of the National Agrarian Institute: Regulations for the tax on uncultivated or idle land. – 7 February 1972. – *La G.* No. 20.631, 17 March 1972, p. 1. [To promote land use; definitions (extending to insufficiently cultivated land; exceptions); provision for sworn annual returns of land owned.]

PHILIPPINES. – Executive Order No. 347: See under IX/1.

PHILIPPINES. – Presidential Decree No. 27 decreeing the emancipation of tenants from the bondage of the soil, transferring to them the ownership of the land they till and providing the instruments and mechanism therefor. – 21 October 1972. – Separate publication.

V/1c – LAND TRANSACTION. LAND SURVEY. LAND REGISTRATION

ITALY. – Decree No. 650 of the President of the Republic: Improvement and Revision of the Cadastral System. – 26 October 1972. – *G.U.* No. 292, 11 November 1972, Supplement No. 5, p. 14. [Comprehensive reorganization of the system; administration; operation. Repeals all contrary provisions.]

SRI LANKA. – See under V/1a.

V/2 – LAND SETTLEMENT. MIGRATION

PHILIPPINES. – Executive Order No. 347: See under IX/1.

V/3a – LAND IMPROVEMENT IN GENERAL. DEVELOPMENT PROJECTS. EXPROPRIATION

AUSTRALIA (South). – Regulations under the Valuation of Land Act, 1971. – 15 June 1972. – *S.A.G.G.* No. 27, 15 June 1972, p. 2335. [Part II – Machinery, Plant and Equipment; III – Valuation and Valuation Rolls; IV – Notices and Objections; V – Fees for Valuation; VI – Miscellaneous.]

HUNGARY. – Decision No. 1045/1972 of the Council of Ministers on guidelines for the promotion of irrigated farming. – 14 December 1972. – *M.K.* No. 100, 14 December 1972, p. 1089. [To develop large-scale irrigated farming.]

SOUTH AFRICA. – See under V/4a.

V/4a – WATER LAWS IN GENERAL

ECUADOR. – Supreme Decree No. 369: The Water Act¹ (*Decreto Supremo N° 369: Ley de Aguas*). – 18 May 1972. – *Registro Oficial* No. 69, 30 May 1972, p. 1. [Extracts.]

PREAMBLE

The Nationalist Revolutionary Government declares in the general principles informing its Action Plan that among its intentions is that of exercising rights over natural resources in the most decisive manner possible with a view to establishing national sovereignty objectively and definitively over the territorial waters, the soil and subsoil.

Water is an element of life that is essential for the continued existence, activities and development of the human race; and, with the growth of the population there has been a parallel growth in its needs, such that it is imperative to manage this resource in accordance with sound technical principles;

By reason of the lack of maintenance of forest stands and of control over their working, the nation's watersheds are subject to erosion, bringing to nought the natural recharge of sources supplying our rivers and exposing low-lying land to flooding;

The multiplicity of laws governing water use has led to the operation of several distinct State agencies in this field and to the emergence of conflicts between them that have proved prejudicial to the national interest;

.....

TITLE I

BASIC PROVISIONS

1. The provisions of this Act regulate the use of the seawater, surface water, groundwater and atmospheric water throughout the national territory, in all its physical states and forms.

2. The waters of such rivers, lakes, lagoons, springs as rise and disappear within one and the same property, and snow, natural waterfalls and other sources, together with groundwater, whether or not emerging at the surface, are hereby deemed to be national property and for public use; nor shall they enter into trade; and ownership thereof shall be inalienable and im-

¹ As amended by Supreme Decree No. 253 of 9 March 1973 (*Registro Oficial* No. 267, 19 March 1973, p. 4).

mune from prescription. They shall not be subject to possession, accession or appropriation in any other form whatsoever.

There shall not be, nor shall there be recognized, any acquired rights of ownership of the aforesaid waters; and such prior rights as there may be shall be restricted to their use, provided, further, that such use shall be in accordance with sound principles and with this Act.

3. Within the meaning of this Act, all waters including those hitherto deemed to be privately owned are hereby also declared to be national property and for public use. Persons using such waters shall continue to enjoy the benefit thereof as holders of use rights subject to the provisions of this Act.

4. Likewise the beds and the subsoil thereof of the inland and territorial sea, of rivers, lakes and lagoons, ponds, swamps and other watercourses or standing bodies of water shall be national property and for public use.

5. By use right shall be understood the administrative authorization, which shall not be transferable, for the use of water in accordance with the provisions of this Act.

The fact of being in possession shall suffice to entitle the person concerned to use water intended for any real estate or industrial plant, subject, however, to the same conditions and limitations as those by which the holder of the use right was bound.

6. Any person to whom a water use right has been granted shall furthermore be entitled to claim wayleave for transit, the conveyance of water, and related easements. He shall be required to carry out all works necessary for the exercise of such easements.

7. Any granting of water use rights shall be conditional upon the availability of the resource and upon the true needs for the intended purpose.

8. No person who has obtained water use rights may deny to other interested persons the use of water from the source in question; and accordingly such other persons shall be permitted to install the relevant intakes, provided the works associated therewith do not aggrieve the persons already in possession.

Responsibility for the limitation and regulation of water use for holders of water use rights shall be vested in the Water Resource Institute of Ecuador, pursuant to Article 3, (i) of Decree No. 1551, of 10 November 1966¹, and to this Act.

9. Owners of property riparian to public watercourses may install protective structures against water overflow along their respective reaches such as

¹ *Ed. Note:* Decree No. 1551 issuing the Act to create the Water Resource Institute of Ecuador.

plantations, walls, stockades and revetments. Before they install such structures, they shall notify the Water Resource Institute of Ecuador, and the latter shall, following inspection, grant or withhold authorization therefor.

10. If any land is inundated by floodwaters it shall continue to be privately owned provided it was so owned before such inundation.

11. If a lagoon or river leaves its original bed, to the detriment of riparian properties, the owners of such properties may, subject to authorization by the Water Resource Institute of Ecuador, carry out the works necessary to cause such lagoon or river to return to its normal bed; and that part of such bed as may remain dry shall revert to adjacent properties as provided for in such cases by the Civil Code. To enforce this right, interested parties shall be allowed a period of two years from the date on which the water changed its bed.

Similar rights may be enforced for the installation, subject to permission by the Water Resource Institute of Ecuador, of protective works in channels or beds of watercourses against deposits which by changing position are likely to cause loss or damage to the owners of riparian properties.

12. The State hereby guarantees the use of water to private parties subject to the limitations necessary in the interests of production.

13. Where the use of water resources is concerned, the Water Resource Institute of Ecuador shall be responsible for:

- (a) planning for improved resource use and development;
- (b) conducting evaluation studies and inventories;
- (c) defining protection areas;
- (d) declaring emergencies and prescribing necessary water protection measures; and
- (e) promoting the protection and development of watersheds.

14. With the exception of that needed for domestic supply, no water may be used save by grant of a water use right.

15. The beneficiary of a water use right shall be required to install all works for intake, conduiting, use, metering and control purposes in such a way that only the volume of water granted may flow; and such works may not be modified or dismantled upon expiry of the term of the concession save by authorization of the Water Resource Institute of Ecuador.

The unit of measurement of flow shall be the litre per second or its multiple, the cubic metre per second. The unit of measurement of volume shall be the cubic metre.

16. Works for the conservation, preservation and increment of water resources shall be a matter of national concern.

17. The State and other bodies corporate with public law status shall recover from each beneficiary the costs of water works and of their operation and maintenance defrayed from their own funds.

Such monies as have been laid out for social service purposes but which have not influenced the economic field of the aforesaid works shall not be taken into account in computing the assessable value thereof.

Amounts thus due shall be collected as prescribed in the appropriate regulations.

18. For grants of water use rights made by the State, the Water Resource Institute of Ecuador shall collect charge fees, to be determined by regulation, from both individuals and bodies corporate.

Grants of use rights for drinking water supply and for the generation of electric power for public purposes shall be exempt from payment.

19. [*Omitted.*]

TITLE II

WATER CONSERVATION; WATER CONTAMINATION

CHAPTER I

CONSERVATION

20. With a view to securing the optimum available supply of water, the Water Resource Institute of Ecuador shall take all possible action to prevent the diminution of such supply by providing for the protection and development of watersheds and conducting all related studies and research.

21. All beneficiaries of water use rights shall avail themselves thereof in the most efficient and economical manner possible, and shall contribute to the conservation and maintenance of such works and installations as they may have at their disposal for the exercise of those rights.

CHAPTER II

CONTAMINATION

22. It is hereby prohibited to contaminate water in a way harmful to human health or the life of the flora or fauna.

The Water Resource Institute of Ecuador, in concert with the Ministry of Public Health and other State agencies, shall implement all policies conducive to the accomplishment of the purposes of this section.

TITLE III

ACQUISITION OF USE RIGHTS

23. Grants of water use rights shall be:

- (a) “occasional”, in respect of surplus resources;
- (b) “of specified term”, for irrigation, industry and other productive activities;
- (c) “indefinite”, for domestic needs.

24. The use of water shall be authorized subject to satisfaction of the following requirements;

- (a) that such use does not interfere with other uses;
- (b) that the water be of the desired quality and sufficient in quantity and
- (c) that the requisite plans and works for such use shall have received the prior approval of the Water Resource Institute of Ecuador.

25. Where the water available is insufficient to supply multiple needs, priority shall be accorded to those which most serve the economic and social interests of the country.

26. Within one and the same grant, one or more water use rights, for multiple purpose needs, may be authorized.

27. The purposes and places in respect of which a water use right is granted shall be specified in the authorization therefor.

28. For the accomplishment of the purposes of this Act, the Water Resource Institute of Ecuador shall be mandatorily required to register grants of water use rights.

29. In cases where it is necessary to construct works for the conservation and greater efficiency of easements for the conveying of water and related easements, the Water Resource Institute of Ecuador may order the suspension of the use of water.

30. In the granting of use rights affecting the navigability of, or floatation on, water, the National Navy shall be consulted; and in those cases where the national security is affected, the favourable report of the Joint Command of the Armed Forces shall be required.

31. The Water Resource Institute of Ecuador may cancel, suspend or modify any grant of water rights in those cases where the beneficiary does not make use of the resource efficiently or makes use of it in a manner or for purposes at variance with the provisions of such grant. No payment shall be made in such cases by way of compensation for works that have been carried out.

32. Water use rights shall lapse upon cessation of the purpose for which they were granted, upon expiry of the term of the authorization or by reason of the manifest depletion of the resource rendering water use impossible.

TITLE IV

WATER USES; PRIORITIES

33. Water uses shall be subject to the availability of the resource, to the needs of population centres, of the holding or industrial undertaking in question and to the priorities established by this Act.

34. In the granting of water user rights the following priorities shall be observed:

- (a) the supply of population centres; domestic needs and the watering of animals;
- (b) agriculture, including stock raising;
- (c) energy, industry and mining needs;
- (d) other needs.

In the event of urgent social need, and for the duration of such need, the Water Resource Institute of Ecuador may vary the order set forth above save with respect to the priority contemplated under (a).

35. No change of intake or transfer of rights in respect of water running in natural or artificial channels may be made without the authorization of the Water Resource Institute of Ecuador. Similar authorization shall be required for the construction of dams.

36. In those cases where several beneficiaries of water use rights obtain their supply from a single conduit, each may at the most suitable point divert the water to which he is entitled, provided that thereby the servitude is not rendered more onerous for the servient holdings, that the rights of the other beneficiaries are not abated and that compensation be made for any injury occasioned by such diversion.

At the request of the interested party, beneficiaries shall be required to install a metering device at the point where they divert water to their respective holdings; and this in order that only that amount of water to which they are entitled may be so diverted and the remaining supply continue to be available in the common conduit.

Complaints shall be dealt with as provided for in this Act.

TITLE V

GRANTS OF USE RIGHTS FOR DOMESTIC AND SANITATION NEEDS

37. Water rights for the purposes of human consumption and for sanitation in population centres shall be granted by the Municipal authorities, Provincial Councils, Public Law or Private Law bodies and individuals as provided for in this Act.

TITLE VI

GRANTS OF USE RIGHTS FOR IRRIGATION

38. Water use rights for irrigation shall be granted solely to persons able to justify their need therefor under the terms and conditions laid down in this Act.

39. Water intended for irrigation may be drawn from subsurface layers, glaciers, springs, natural or artificial channels as need arises and in an amount to be determined on technical criteria by the Water Resource Institute of Ecuador.

TITLE VII

WATER FOR ENERGY PRODUCTION, INDUSTRY AND MINING PURPOSES

40. Water use rights shall be granted for the generation of energy for industrial and mining activities, in particular those contemplated in the General Development Plan for the country.

Water intended for the generation of energy and for mining activities shall be returned to a public channel; and the beneficiary of use rights shall be required to treat the said water if the Water Resource Institute of Ecuador deems this to be necessary.

TITLE VIII

GRANT OF GROUNDWATER USE RIGHTS

41. No person may prospect for groundwater without authorization by the Water Resource Institute of Ecuador, and in the event of water being found, the grant of use rights shall be subject to the following conditions in addition to those laid down in Section 24:

- (a) that the drawing of such water does not adversely affect conditions in the aquifer itself or in the surface area subtended by the radius of influence of the well or gallery; and
 - (b) that such withdrawal does not interfere with other wells, galleries or water outlets and, in general, other points where water emerges.
42. Authorizations to carry out operations for withdrawing groundwater may be granted also in respect of land held by third parties, and the said third parties shall enjoy priority for the grant of any surplus supply.
43. The Water Resource Institute of Ecuador may at any time, by virtue of its office or upon application being made therefor, order the modification of inappropriate methods, systems or installations for the withdrawing of water.
44. Individuals and bodies corporate carrying out drilling operations for the withdrawal of groundwater shall be required to obtain the relevant licences from the Water Resource Institute of Ecuador.
45. If any person for whatever reason, but particularly where mining prospection is concerned, undertakes drilling operations and discovers groundwater, he shall be required to report the circumstance immediately to the Water Resource Institute of Ecuador and furnish all surveys and technical data so obtained.

TITLE IX

MINERAL, THERMAL AND MEDICINAL WATERS

46. The Water Resource Institute of Ecuador shall be responsible for the study and control of the prospection and working of mineral, thermal and medicinal waters and shall, within the terms indicated in the respective Regulations, inventory, classify and evaluate the therapeutic, industrial and tourist utility of the respective sources, in coordination with the Department of Tourism and subject to the prior technical instructions of the Ministry of Public Health.
47. Priority for the working of mineral, thermal and medicinal waters shall be vested in the State and the Municipalities; otherwise use rights for such working may be granted to private persons or, again, under contracts of association, with a view to the use of such waters in health or bathing establishments, bottling establishments, etc.

Present users shall continue to enjoy use rights until such time as they enter into contracts of association or receive the grants provided for in this Act.

Upon expiry of the term of the grant or if, before such expiry, use of the water referred to in this Article ceases, the installations shall revert to State ownership and no compensation shall be payable therefor.

TITLE X

GRANT OF USE RIGHTS IN RESPECT OF SURPLUS WATER

48. Any person may claim and acquire use rights in respect of water surplus to any property or industrial undertaking.

The place of catchment for such surplus water shall be determined by the Water Resource Institute of Ecuador. The said place of catchment may lie within or without the holding or industrial undertaking to which the water so taken belongs.

TITLE XI

IRRIGATION AND DRAINAGE

49. The irrigation of the country's dry land and the drainage of land in waterlogged areas are hereby declared to be operations in the national interest.

The Water Resource Institute of Ecuador, as executive agency of the Ministry of Natural Resources and Tourism, shall approve and supervise studies and the carrying out of irrigation and drainage works and their subsequent use.

50. The Water Resource Institute of Ecuador shall determine the suitability, for irrigation, of water in rivers, lakes, lagoons, running or standing bodies of water, rainwater, surface and groundwater and any other water contemplated by this Act.

TITLE XII

OBLIGATION TO IRRIGATE

51. It shall be obligatory to make use for irrigation purposes of water conveyed in irrigation channels constructed with State funds.

All properties lying at a lower level than the aforementioned channels and having a slope of less than 20 percent shall be subject to the obligation laid down in the foregoing paragraph.

The rate of supply shall be determined by the Water Resource Institute of Ecuador.

52. The following shall not be affected by the aforesaid obligation:

- (a) properties where the soil is not suitable for efficient agricultural production without land reclamation;
- (b) properties that have sufficient water supply.

In the case contemplated under (b), regard shall be had to the irrigable area and the available water supply; and where such supply is inadequate it shall be obligatory upon the owner of the property to draw from the channel the amount needed to bring his supply up to the required minimum.

The foregoing exceptions shall be declared by the Water Resource Institute of Ecuador.

53. All persons who are under the obligation to make use of water shall pay the relevant fees, whether or not they actually use the water, regard being had, in the establishment of rates, to the amortization of the capital expenditure for the channel and accessory works, operation and maintenance costs and the necessary period of use, in such proportions and subject to such conditions as are to be laid down in the Regulations to be drafted by the Water Resource Institute of Ecuador and issued by the Ministry of Natural Resources and Tourism.

54. The National Development Bank shall establish special credit lines for the purposes contemplated in this Title in the light of studies and calculations for the annual determination of rates to be submitted by the Water Resource Institute of Ecuador.

TITLE XIII

RIPARIAN PROPERTIES

55. Marginal strips of land which shall be compulsorily maintained on properties riparian to natural channels, conduits and the like with a view to facilitating navigation, transit and other services, shall be determined by the Water Resource Institute of Ecuador. No grounds for compensation shall thereby be created. The beneficiaries using such marginal strips shall be responsible for the damage they may cause by improper use thereof.

TITLE XIV

STUDIES AND WORKS

56. Any works whereby water use rights may be exercised shall be governed by the technical and general specifications, studies and plans approved by the Water Resource Institute of Ecuador; and any failure to abide by such specifications, studies and plans shall incur the suspension, withdrawal, modification, restructuring of the works or installations or the application of certain conditions in their regard.

57. The Water Resource Institute of Ecuador shall order the closing of wells or galleries whenever these interfere with the subterranean flow supplying other such wells or galleries of prior date of operation.

58. Any person whose situation is covered by the cases contemplated in the foregoing sections shall comply with the instructions of the Water Resource Institute of Ecuador and within such time as it may prescribe; and if the said person fail so to comply, the Institute shall itself carry out the operations in question for its exclusive account and at its exclusive expense. The person under the respective obligation shall, furthermore, be responsible for any loss or damage he may cause.

59. If any beneficiary of water use rights fails to construct works or provide installations in accordance with the instructions of the Water Resource Institute of Ecuador, the grant of such rights shall be suspended until such time as the said instructions have been complied with.

60. No owner of land may oppose the carrying out, on the banks of rivers and other natural channels, of protection works for other holdings against the action of water.

TITLE XV

EASEMENTS

CHAPTER I

NATURAL SERVITUDES

61. Lower-lying holdings shall be required to receive water naturally flowing down to them from any higher-lying holding, provided the flow is not aggravated by human hand.

By authorization of the Water Resource Institute of Ecuador, owners of the holdings in question may modify the course taken by the water, provided no injury is caused to third parties.

CHAPTER II

COMPULSORY SERVITUDES

62. Any property shall be subject to servitudes for the conveyance of water and servitudes related thereto, such as catchment, the construction of impounding works, withdrawal, conduiting, drainage, soil reclamation, right of way and supervision, canalization, protection of banks and sides, etc., for the benefit of any other property lacking the necessary water supply.

The owners of servient holdings may not graze animals suffering from contagious disease in proximity of the water channel crossing their land, or tip waste or contaminated water therein.

The servitudes in question and any modification of those already in being or to be shall be compulsory and officially declared to be such.

The Water Resource Institute of Ecuador shall authorize the occupation of land for the execution of the works referred to in this Section.

Compensation shall be payable whenever the parts occupied exceed in area ten percent of the holding or cause impairment in excess of five percent.

63. Together with the easement for the conveyance of water, there shall be a right of way to be exercised in the manner necessary for the purposes of supervision, cleaning or otherwise as laid down in this Act.

64. *[Omitted.]*

65. In those areas where it is necessary in order to exercise a water use right for the beneficiary to avail himself of an existing conduit, he shall contribute pro rata toward defraying the costs of maintenance and construction of the necessary works. He shall likewise be responsible for any loss or damage he may cause.

66 and 67. *[Omitted]*

68. The owner of the servient property shall be entitled to demand that steps be taken to prevent seepage or the spreading of water or any other damage which may be ascribed to defective construction, conservation, operation or preservation. In such cases, the Water Resource Institute of Ecuador shall order the necessary construction or repairs and prescribe the period of time within which they are to be carried out.

69. *[Omitted.]*

70. The owner of the servient property shall not acquire any rights over the water flowing across his land but may use such water solely for domestic needs and the watering of animals. However, he may not impound, divert or contaminate the said water.

71. Easements whereby water use rights may be exercised shall lapse:

- (a) if the person who claimed the easement fails to carry out the prescribed works within the time allowed for that purpose;
- (b) where the beneficiary without good reason fails to make use of the easement for two consecutive years;
- (c) upon accomplishment of the purpose for which the easement was granted;
- (d) if the easement is used for purposes other than that for which it was granted;
- (e) upon expiry of the term in the case of a temporary easement.

72. Upon declaration of extinction of an easement the property affected by it shall revert to the exclusive ownership and use of the servient holding.

73. The constitution of easements provided for in this Title in favour of State institutions shall, in addition to being compulsory, enjoy priority.

TITLE XVI

JOINT USE; WATER MANAGEMENT BOARDS

74 and 75. *[Omitted.]*

76. Where more than five persons hold a joint water use right, a water management board shall be established.

The statutes of such a management board shall, upon approval by the Water Resource Institute of Ecuador, provide for its organization and operation, as well as for water distribution, use and conservation.

The Water Resource Institute of Ecuador shall concern itself with any conflicts arising within the said water management boards and shall prescribe appropriate measures to ensure the due carrying out of their duties and exercise of their powers.

TITLE XVII

OFFENCES; PENALTIES

77 and 78. *[Omitted.]*

TITLE XVIII

JURISDICTION AND PROCEDURE

79. Jurisdiction in matters referred to in this Act shall be vested in the Water Resource Institute of Ecuador.

The administrative organization for the exercise of such jurisdiction shall be provided for in Regulations to be approved by the Ministry of Natural Resources and Tourism.

80. *[Omitted.]*

81. In the second, and last, instance, appeals against decisions given in the first instance shall lie with, and be decided by, the Water Resources Advisory Council. The said Council shall consist of two delegates of the Board of

Directors of the Water Resource Institute of Ecuador appointed from among its own members and the Executive Director of the said Institute and, by his delegation, the Chief of the Water Resources Division.

82. If any person deems himself to be aggrieved by the outcome of appeals referred to in the foregoing Section, he may, once the decision in their regard has been finalized, take the matter to the Tribunal of Administrative Disputes.

83. If any person wishes to obtain the grant of a water use right, he shall make application therefor in the form prescribed in this Act.

84 and 85. *[Omitted.]*

86. *[Omitted.]*

Upon completion of the period for the submission of evidence, the Chief of Agency, or Chief of District of the Water Resource Institute of Ecuador shall make known his decision within 30 days.

87 – 89. *[Omitted.]*

90. Within ten days of being notified of the decision of the first instance, the parties may file an appeal for revision or for nullity or for both before the Water Resources Advisory Council, which shall decide on the merits of the earlier decision.

The Water Resources Advisory Council shall make known its decision within 30 days of the appeal.

91. Litigation for compensation for damage arising out of servitudes shall lie before the ordinary civil courts as provided for in the respective laws.

92 – 97. *[Omitted.]*

TITLE XIX

GENERAL PROVISIONS

98. It shall be obligatory upon all users of water to register their use rights with the Water Resource Institute of Ecuador, stating the source of the intake and the rate of flow in each case.

[Omissis.]

99. Any person may store rainwater in tanks, cisterns or small-sized impounding structures for domestic, irrigation, industrial or other purposes, provided no injury is done to third parties. The prior approval of the Water Resource Institute of Ecuador shall be required in respect of plans for the execution of works for an intended storage capacity in excess of 200 cubic metres.

100. The Water Resource Institute of Ecuador shall afford agencies charged with the preparation or implementation of development programmes all cooperation and aid necessary for the accomplishment of their task.

101. The powers vested by this Act in the Water Resource Institute of Ecuador shall be exercised without prejudice to those assigned to it by the Act setting up the said Institute.

102. [*Omitted.*]

SPECIAL PROVISIONS

103. Where the waters of the sea are concerned, the provisions of the laws in their regard shall prevail.

104 and 105. [*Omitted.*]

106. All provisions concerning water easements and related matters in other laws and regulations, and any provisions in conflict with this Act, are hereby repealed.

107. [*Omitted.*]

ETHIOPIA. – Order No. 75 of 1971: National Water Resources Commission Order, 1971 (An Order to provide for the establishment of a National Water Resources Commission). – 27 October 1971. – *Negarit Gazeta*, 31st Year, No. 3, 27 October 1971, p. 12. [*Summary.*]

The purpose of the Commission is:

- (a) to ensure the optimum development and use of the nation's inland water resources;
- (b) to ensure the coordination of all activities which may influence the quality, quantity, distribution or use of water;
- (c) to ensure the application of appropriate standards and techniques for the investigation, use, control, protection, management and administration of water.

The Commission is vested with all powers necessary for the attainment of its purposes.

It is composed of a National Water Resources Board of Commissioners and an Executive Organ.

The Board of Commissioners consists of the Minister of Public Works and Water Resources (Chairman) together with other ministers whose jurisdiction encompasses or impinges upon water use in any way — such as the

Ministers of Agriculture, Public Health, and Land Reform and Administration, and the Heads of such agencies as the Awash Valley Authority, and the Electric Light and Power Authority.

The Natural Resources Executive Organ, as the former Water Resources Department of the Ministry of Public Works and Water Resources is now to be called, is headed by a General Manager — an Imperial appointment — whose terms of reference include:

- (a) the preparation of plans for the investigation, use, control, protection, management or administration of the water resources;
- (b) the systematic gauging and recording of the volume and flow of rivers, streams and lakes and the collection of other hydrological and hydrometeorological data;
- (c) exploration and drilling to ascertain the existence and location of underground water and the behaviour, quantity and quality thereof;
- (d) the general dissemination of the results obtained under (c);
- (e) the execution and enforcement of all laws affecting water;
- (f) the issuing, renewal, cancellation or suspension of any licences, permits or concessions, affecting water;
- (g) the advising and instructing of any person, or Public Authority with regard to matters concerning the investigation, use, control, protection, management or administration of water.

HUNGARY. — See under V/3a.

SOUTH AFRICA. — Act No. 45 of 1972: Water Amendment Act, 1972 (An Act to amend the Water Act, 1956, so as to restrict the right of the use of private water; to extend the prohibition on the pollution of water; to authorize the Minister to dispose in certain circumstances of water found underground; to provide for control of activities which may alter the natural occurrence of certain types of atmospheric precipitation; to apply certain provisions of the Expropriation Act, 1965, to the expropriation of certain property and the taking of certain rights for the purposes of the said Act; to authorize the Minister to assess charges in respect of water supplied to certain persons from Government Water Works; to make further provision in regard to representation on water boards; to impose further restrictions on the use of water in subterranean water control areas; and to provide for matters connected therewith). — 17 May 1972. — G.G. No. 3516, 26 May 1972, p. 3.

SWAZILAND. — Act No. 25 of 1967: The Water Act, 1967 (An Act to consolidate and amend the Laws in force in Swaziland relating to the Control, Conservation and Use of Water for domestic, agricultural, urban and industrial purposes and to make provision for the control of certain activities on or in water in certain areas). — 20 February 1968. — [Basic act. Comprehensive provisions.]

V/4c - WATER POLLUTION CONTROL

SOUTH AFRICA. - See under V/4a.

SWAZILAND. - See under V/4a.

VII. FINANCIAL LAWS AFFECTING AGRICULTURE

VII/1b – DIRECT TAXATION (LAND TAX, ETC.)

AUSTRALIA (South). – See under V/3a.

HONDURAS. – See under V/1b.

VII/3 – FARM PRICES (STABILIZATION AND SUPPORT, FIXATION OF MINIMUM PRICES, ETC.)

IRAQ. – See under VIII/1.

PHILIPPINES. – Agricultural Guarantee Fund Rules and Regulations. – 15 December 1971. – *O.G.* No. 3, 17 January 1972, p. 433. [Extensive provisions pursuant to Section 14 of Republic Act No. 6390.]

VII/5 – FOREIGN INVESTMENTS

SWITZERLAND. – Federal Act amending the Federal Act on investment credits and assistance to peasant farms. – 8 October 1971. – *R.L.F.* No. 48, 24 November 1972, p. 2749. [Affects miscellaneous sections of Federal Act of 23.3.1962.]

VIII. AGRICULTURAL COOPERATION – INSURANCE AND CREDIT

VIII/1 – COOPERATIVES AND OTHER FORMS OF ASSOCIATION

ALGERIA. – Ordinance No. 72-23 repealing and replacing Ordinances No. 67-256 of 16 November 1967, as amended, and No. 70-72 of 2 November 1970, relative to the General Statutes of Cooperatives and to pre-cooperative organization. – 7 June 1972. – *J.O.R.A.* No. 51, 27 June 1972, p. 618. [Extensive provisions.]

ALGERIA. – Decree No. 72-106 issuing the Statutes of the Agricultural Cooperative System. – 7 June 1972. – *J.O.R.A.* No. 51, 27 June 1972, p. 621. [Basic document.]

HUNGARY. – Order No. 28/1972 on Specialized Agricultural Groups. – 27 September 1972. – *M.K.* No. 74, 27 September 1972, p. 703. [Such groups operate independently within agricultural, fisheries and specialized agricultural cooperatives. Ministerial authorization required for activities normally falling within cooperative sector.]

IRAQ. – Regulation No. 11 of 1971: Co-operation Fund. – 21 February 1971. – *W.G.* No. 29, 19 July 1972, p. 7. [Organization, administration, operation.]

LIBYAN ARAB REPUBLIC. – Act No. 93/1971 relative to the Institution of the General Agricultural Company. – 4 November 1971. – Official Gazette No. 3, 15 January 1972, p. 94. [Purpose: to manage State land and farms.]

PERU. – Decree-Law No. 19400 issuing rules concerning the structure and operation of agricultural organizations. – 9 May 1972. – *El P.* No. 9325, 12 May 1972, p. 5.

SPAIN. – Act No. 29/1972 on Agricultural Producers' Associations. – 22 July 1972. – *B.O.E.* No. 176, 24 July 1972, p. 13286. [Conditions governing eligibility for benefits contemplated.]

SRI LANKA. – Act No. 11 of 1972: State Agricultural Corporations Act, 1972 (An Act to provide for the establishment of a Corporation or Corporations for the planning, co-ordination and development of agricultural undertakings, to regulate the powers and duties of such Corporation or Corporations and to make provision for matters connected therewith or incidental thereto). – 18 March 1972. – *Acts of the Parliament of Ceylon*, 2nd Session 1971-72.

SWEDEN. – Royal Instruction for the Agricultural Economic Cooperation Committee. – 21 January 1972. – *S.F.* 1972, No. 14. [Purpose, organization and operation.]

VIII/2 – INSURANCE

SPAIN. – Order of Presidency of the Government appointing a Commission to promote and coordinate surveys and studies on agricultural insurance. – 16 November 1972. – *Boletín Oficial del Estado* No. 278, 20 November 1972, p. 20650. [Summary.]

In its concern to guarantee the stability of crop and animal production, and recognizing the peculiar importance of insurance against risks to harvests and livestock, the Government has appointed a joint committee to promote and coordinate studies and research on agricultural insurance.

The membership of the Committee consists of representatives of the Ministry of Financial Affairs and the Ministry of Agriculture, together with representatives of the insurance companies and of farmers' associations.

The Committee is assigned the task of preparing draft regulations governing compulsory insurance in agriculture.

INDIA. – The Emergency Risks (Goods) Insurance Act, 1971 (An Act to make certain provisions for the insurance of goods in India against damage arising from emergency risks and matters connected therewith or incidental thereto). – 10 December 1971. – *G.I. Extraordinary*, Part II, Section 1, 10 December 1971. [Republished in *Kerala Gazette* No. 32, 8 August 1972, Part I, Supplement, Section i.]

VIII/3 – CREDIT. INDEBTMENT

PHILIPPINES. – See under VII/3.

SWITZERLAND. – See under VII/5.

VIII/4 – ASSISTANCE IN CASE OF NATURAL
DISASTERS, EMERGENCIES, ETC.

ARGENTINA. – Act No. 19.557: Organizational arrangements for meeting emergencies in the agricultural sector. – 5 April 1972. – *B.O.* No. 22.402, 14 April 1972, p. 2.

IX. AGRICULTURAL ORGANIZATION AND EDUCATION

IX/1 – ORGANIZATION

ETHIOPIA. – See under V/4a.

SPAIN. – See under VIII/2.

ARGENTINA. – See under VIII/4.

BOTSWANA. – See under IV/3.

CHILE. – Decree No. 32: See under IV/1.

CHILE. – Decree No. 37: See under IV/1.

CHILE. – Decree No. 162 of the Ministry of Public Health appointing a National Food and Nutrition Committee. – 23 March 1972. – *D.O.* No. 28.292, 3 July 1972, p. 2692. [Acronym: CONAN. Responsibilities: Coordination of policies, plans and programmes in this field.]

GERMANY (Federal Republic). – Act on the Establishment of a Federal Sera and Vaccines Office: See under IV/2.

GERMANY (Federal Republic). – Act issued for the operation of Marketing Organizations. – 31 August 1972. – *BGBI.* I No. 94, 2 September 1972, p. 1617. [Comprehensive provisions relative to staple agricultural and fisheries commodities and base products of EEC. Deals, *inter alia*, with subsidies and other measures and with exports and imports. Amends Acts on: Wine Production; Legal Trade Classifications; Feed-stuffs; Fish; Sugar; Foreign Trade; Tax Levy; Brandy Monopoly.]

LIBYA. – See under VIII/1.

PHILIPPINES. – Executive Order No. 347 providing for the organization of the Department of Agrarian Reform. – 10 November 1971. – *O.G.* No. 52, 27 December 1971, p. 10015. [Extensive provisions specifying the functions of the various services, divisions, and relations between the Department and field offices. Section 14 deals with resettlement.]

SPAIN. – Decree No. 1281/1972 of the Ministry of Agriculture approving the organizational structure of the National Agricultural Research Institute (INIA). – 20 April 1972. – *B.O.E.* No. 122, 22 May 1972, p. 8923. [Autonomous ministerial agency set up by Decree-Law No. 19/1971 of 28 October 1971.]

SPAIN. – Order of the Ministry of Agriculture making further provisions under Decree No. 1281/1972 of 20 April 1972, providing for the organizational structure of the National Agricultural Research Institute. – 25 May 1972. – *B.O.E.* No. 131, 1 June 1972, p. 9685.

SPAIN. - Decree No. 3156/1972: See under II/3.

SRI LANKA. - See under VIII/1.

SWEDEN. - See under VIII/1.

VENEZUELA. - See under IV/3.

IX/2 - EDUCATION AND RESEARCH

SPAIN. - Decree No. 1281/1972: See under IX/1.

SPAIN. - Order of the Ministry of Agriculture making further provisions under Decree No. 1281/1972: See under IX/1.

XI. TRADE IN AGRICULTURAL PRODUCTS AND REQUISITES - NUTRITION

XI/1 - FOOD SUPPLIES IN GENERAL. CEREALS AND CEREAL PREPARATIONS

AUSTRALIA (New South Wales). - Regulations under the Pure Food Act, 1908. - Amendment. - 21 March 1972. - *N.S.W.G.G.* No. 40, 14 April 1972, p. 1281. [Inserts Regulation 11a on Rice. Definition of: rice, polished rice, rice flour or ground rice.]

GERMANY (Federal Republic) - Act issued for the operation of Marketing Organizations: See under IX/1.

ITALY. - Ministerial Decree extending the terms of reference of the National Rice Office to the control of fraudulent practices in the seed sector, with reference to paddy only. - 20 July 1972. - *G.U.* No. 224, 29 August 1972, p. 6086.

ITALY. - Ministerial Decree issuing regulations governing the importation of hybrid seed maize. - 14 November 1972. - *G.U.* No. 311, 30 November 1972, p. 7898. [To meet FAO and EEC standards. Relate to 1972/73 trade year. As to grade, sets forth specifications of a general character determining price formation.]

KENYA. - L.N. No. 172: The Wheat Industry (Grading) Rules, 1972. - 10 August 1972. - *K.G.* No. 40, 18 August 1972, Supplement No. 55, p. 237. [Pursuant to the Wheat Industry Act (Cap. 344). Extensive specifications, schedules. Repeals the Wheat Industry (Grading) Rules.]

LEBANON. - Decree No. 1662 of the Ministry of the National Economy defining the duties and powers of the Committee charged with following up improvements in the bread-making art, improvements in bread quality and with raising the standard of bakeries. - 12 August 1971. - *Official Gazette* No. 67, 23 August 1971, p. 1133.

SOUTH AFRICA. - Regulations relating to the Grading and Packing of Wheat (Government Notice No. R.1633), Rye (G.N. No. R.1634), Oats (G.N. No. R.1635) and Barley (G.N. No. R.1636). - 15 September 1972. - *G.G.* No. 3651, 15 September 1972.

XI/2 - FRUITS AND VEGETABLES; HOPS; SUGAR, SALT, SPICES; COFEE, TEA, COCOA, ETC.; WINE, BEER, SPIRITS AND NONALCOHOLIC BEVERAGES

ARGENTINA. - Act No. 19.587: Regulation and control of the production, processing and marketing of sugar-bearing materials, sugar and by-products thereof. - 27 April 1972. - *B.O.* No. 22.412, 28 April 1972, p. 3.

CHILE. – Decree No. 308 of the Ministry of Economic Affairs, Development and Reconstruction approving the regulations on quality requirements for dried, dehydrated and desiccated fruit for export. – 12 May 1972. – *D.O.* No. 28.335, 23 August 1972, p. 3429. [Comprehensive provisions. Revokes Decree No. 1.286 of 27 November 1956, except as regards fresh oranges.]

PORTUGAL. – Order No. 691/71 of the Ministry of Economic Affairs defining the characteristics to which wines and wine by-products are required to conform at the various phases of the marketing process. – 11 December 1971. – *D.d.G.* No. 289, 11 December 1971, p. 1902. [Pursuant to Joint Order of 25 September 1967. I. Ordinary or table wines: A) General characteristics; B) Special characteristics of typical regional wines; C) Special characteristics of other ordinary or table wines; II. Special wines: A) Fortified wines; B) Other liqueur-type wines; C) Sweet or semi-sweet table wines; D) Natural and carbonated sparkling wines; E) Aperitive and health wines (Vermouth; cinchona-containing wines, etc.); III. Special brandies and fermentation-suppressed wines; IV. Wine brandies; V. Vinegar. *Note:* Order not applicable to port wine.]

SOUTH AFRICA. – See under II/2.

SPAIN. – Decree No. 2059/1972 of the Presidency of the Government relative to the reorganization of the citrus export sector. – 21 July 1972. – *B.O.E.* No. 182, 31 July 1972, p. 13737. [Purpose: rationalization of sector; securing reasonable returns; promoting mutual commitment between exporters and buyers; foreign market promotion. Means: institution of special register, management committee, export standards, and incentives.]

SPAIN. – Order of the Ministry of Agriculture regulating the application of denominations in respect of "special wines". – 27 July 1972. – *B.O.E.* No. 188, 7 August 1972, p. 14310.

SPAIN. – Order of the Ministry of Agriculture issuing regulations in respect of natural sparkling wines and carbonated wines. – 27 July 1972. – *B.O.E.* No. 189, 8 August 1972, p. 14440. [Comprehensive provisions, mainly updating earlier regulations.]

SPAIN. – Order of the Ministry of Commerce relative to the principles regulating foreign trade in citrus. – 11 August 1972. – *B.O.E.* No. 199, 19 August 1972, p. 15272. [Quality standards; grading; packing; transport; control; administrative provisions.]

SWITZERLAND. – Ordinance relative to the list of quality white wines recognized as specialities. – 7 June 1972. – *R.L.F.* No. 25, 30 June 1972, p. 1041. [States principles applicable to wines under specified tariff numbers.]

URUGUAY. – Decree No. 115/972 of the Ministry of Industry and Commerce approving identity standards for Uruguayan red wine, "claret" or rosé wine, white wine. – 10 February 1972. – *D.O.* No. 18758, 14 March 1972, p. 501-A. [Schedules for each type of wine referred to concerning *inter alia*: characteristics; processing, labelling; analysis.]

XI/3 – SEEDS, FEEDSTUFFS, FERTILIZERS, PESTICIDES AND VETERINARY PRODUCTS

DOMINICAN REPUBLIC. – Act No. 259 to regulate the production, quality and marketing of feedstuffs. – 31 December 1971. – *Gaceta Oficial* No. 9252, 15 January 1972, p. 26. [Summary.]

This Act repeals all provisions in conflict with it, and applies to feed intended for animals of all kinds, including pets or those used in sport, and

for all species, including fur-bearing animals and fish (Section 12). Not coming within the scope of the Act are raw commodities — agricultural products used in animal feeding, residues from the dairy, brewing and sugar refining industries (molasses, however, are not so exempted) provided no reference is made to their nutritional value or their composition (Section 13).

By “commercial feeds” are to be understood single or compound materials, ground or otherwise, organic or inorganic, that are used for feeding animals provided no therapeutic effect is intended or, again, materials containing minerals, vitamins, antibiotics, medicinal products, drugs, chemicals or others, or ingredients for mixes used in animal feeding. A “feed as specified in client’s formula” means any mixture of commercial feeds and/or feed materials made up to client’s or purchaser’s specifications (Section 2).

Registration with the Secretariat of State for Agriculture of animal feedstuffs and compound products and primary materials entering into the composition of the latter, whether of national origin or imported, is mandatory (Section 3). Applications for such registration, to be filed by both producers and dealers, must state the species of animal and production phase, country of origin of the product, if this is imported, and the analyst’s findings. The last-mentioned are equivalent to a guarantee as to the percent contents of protein or crude fats (minimum amounts), crude fibre (maximum amount), minerals per unit weight (here milligrams may be used instead of percentage), calcium and phosphorus, and amounts (expressed in milligrams or international units) of vitamins per unit weight (Section 4).

Labelling is required, in the manner and containing the information prescribed (Section 6). Offences under these provisions render the manufacturer or dealer concerned liable to penalties under criminal law (Section 7). The provisions just described do not apply in the case of feeds made up to the client’s formula and presented as such (Section 8).

The Secretariat is responsible for enforcement of the Act, and its agents are vested with wide powers in the way of inspection, taking and analysis of samples, right of entry into premises where feedstuffs are held, and seizure of feedstuffs not in conformity with the provisions in force and prohibition of the sale thereof (Section 9).

Offences incurring penalties are defined in seven paragraphs in Sections 10 and 11. They relate to labelling, publicity and all other forms of description, to product composition and the exercise without let or hindrance of authority. Among other things, it is prohibited to sell, offer for sale or expose for sale or to transport feedstuffs that are spoiled, adulterated, falsely described or which may be harmful to animals. Any package containing feed but without a label is to be seized, along with the contents. Seizure may be lifted only after analysis of the product and a check that the qual-

ity declarations by the person trading the product conform to the findings, and subject to relabelling.

AUSTRALIA (New South Wales). – See under II/6.

CHILE. – Decree No. 173 amending Supreme Decree No. 203 of 1969 issuing the Animal Feedstuffs Regulations. – 10 August 1972. – *D.O.* No. 28.351, 11 September 1972, p. 3697. [Extensive revision of scope, definitions, and administrative and enforcement provisions of Decree No. 203 of 11 June 1969.]

KENYA. – See under II/3.

NORWAY. – Ordinance on concentrated feed mixes containing added antibiotics. – 12 November 1971. – *N.L.* No. 36, 7 December 1971, p. 1467. [Permitting addition of zinc bacitracin for stated animals; withdrawal times; labelling rules, etc.]

SPAIN. – Order of the Ministry of Agriculture laying down rules for the sanitary control of animal products and by-products intended for livestock feed. – 15 June 1972. – *B.O.E.* No. 154, 28 June 1972, p. 11655. [Requirements in respect of sealed containers; labelling; imported materials, etc.]

SWITZERLAND. – See under II/6.

XI/6 – LIVESTOCK AND ANIMAL PRODUCTS

AUSTRALIA (Commonwealth). – See under IV/3.

KENYA. – See under IV/3.

SWITZERLAND. – See under IV/3.

AUSTRALIA (Western). – Agricultural Products (Egg Grading and Packing) Regulations, 1972. – 27 June 1972. – *G.G.W.A.* No. 50, 30 June 1972, p. 2191. [Pursuant to the Agricultural Products Act, 1929-1968. Extensive provisions; egg brand models, certificates of approval, etc.]

AUSTRALIA (Western). – Meat Inspection and Branding Regulations: See under IV/3.

BELGIUM. – Royal Order relative to meat trade inspection. – 5 May 1972. – *M.B.* No. 161, 22 August 1972, p. 9114. [Relates to duties of inspectors.]

CANADA. – SOR/72-364 and SOR/72-365, made under the Agricultural Products Standards Act and respectively containing the Beef Carcass Grading Regulations and the Veal Carcass Grading Regulations. – 29 August 1972. – *C.G.* II No. 18, 27 September 1972.

DENMARK. – Notification on quality control of packed, lurmark butter. – 3 March 1972. – *Lt. A* No. VII, 14 March 1972, text 57, p. 95. [Obligations for exporter or

inland wholesaler to take samples and control ready packed cases of butter from supply dairies. Rules for classifying the quality of the sampled packings.]

KENYA. – L.N. No. 119 – The Kenya Meat Commission (Grading) (Amendment) Regulations, 1972. – 18 April 1972. – *K.G.* No. 28, 9 June 1972, Supplement No. 37, p. 163. [Pursuant to the Meat Commission Act (Cap. 363). Replace Schedule of the 1969 Grading Regulations with new Schedule.]

LEBANON. – Ordinance No. 30/1 of the Ministry of Agriculture regulating imports of poultry eggs; and prescribing sanitary and hygienic provisions therefor. – 23 January 1971. – Official Gazette No. 9, 1 February 1971, p. 88.

LEBANON. – Regulation of the Ministry of Agriculture relating to grading, packaging, conservation and distribution of powdered milk and fresh milk and such derivatives as yogurt and *Labné* prepared for retail sale. – 24 August 1971. – Official Gazette No. 78, 30 September 1971, p. 1332.

NETHERLANDS. – Order No. 102544 on the import of meat from States other than EEC Member States. – 12 April 1972. – *Stc.* No. 77, 20 April 1972, p. 5. [Amends Decision of 17 January 1967 (*Stc.* No. 19), as last amended by Decision of 15 March 1972 (*Stc.* No. 61). Minor provisions concerning mainly boned and boneless meat.]

NIGER. – Decree No. 72-87 MAECIM/DAE organizing the marketing of hides and skins. – 20 July 1972. – *J.O.R.N.* No. 16, 15 August 1972, p. 421. [Exclusive right of the Niger Company for the Collection of Hides and Skins (SCNP). Repeals all provisions contrary to the present.]

SWEDEN. – Royal Notification amending the notification (1934:563) on meat export control. – 17 December 1971. – *S.F.* 1971, No. 1268. [Extensive provisions. Consolidated text.]

SWITZERLAND. – Swiss Milk Supply Regulations. – 18 October 1971. – *R.L.F.* No. 52, 22 December 1972, p. 2921. [Comprehensive regulations: Purpose and application; fodder plant production and use; hygiene; milking and treatment of milk; containers and milking machines; quality standards, control; use of milk; exemptions; enforcement and penalties. Repeal the earlier Regulations dated 29 December 1954, as amended.]

UNITED STATES OF AMERICA – Code of Federal Regulations, Title 21 – Food and Drugs. Chapter I, Subchapter B, Part 19 – Cheeses, processed cheeses, cheese foods, cheese spreads and related foods: Amendment of §§19.750, 19.765, 19.775, 19.782, 19.783, 19.785, 19.787, 19.790. – 28 June 1972. – *F.R.* Vol. 37, No. 131, 7 July 1972, p. 13339. [Certain cheese products; labeling requirements. All words in the name of the food on cheese product labels to be at least as prominent as any statements regarding ingredients; ingredient statement to list all optional ingredients.]

URUGUAY. – Decree No. 242/972 of the Ministry of Agriculture laying down that export shipments of meat products and products of animal origin shall be subject to control by the Ministry of Agriculture. – 6 April 1972. – *D.O.* 18774, 12 April 1972, p. 57-A.

XI/8 – PRICE CONTROL MEASURES

ITALY. – Ministerial Decree issuing regulations governing the importation of hybrid seed maize: See under XI/1.

**XI/9a – FOOD LAWS, INCLUDING FOOD ADDITIVES
REGULATIONS, FOOD STANDARDS, FOOD HYGIENE, ETC.**

GREECE. – Code of Food and Beverages and of Articles of Common Use, Part I – Food and Beverages, issued by Joint Ministerial Decree No. 3000/70. – 24 May 1971. – *Ephemeris tes Kuberneseos* II No. 677, 24 August 1971, p. 4911; as amended and supplemented by Joint Ministerial Decree No. 885/72. – 30 May 1972. – *Ephemeris tes Kuberneseos* II No. 397, 2 June 1972, p. 3515. [Summary.]

Basic enactment consisting of 151 Articles divided into Chapters, as follows: I – General Provisions (Articles 1 to 20 – titles given below); II – Food Packaging Materials (21-28); III – Food Additives (29-36); IV – Condiments and essential oils (37-46); V – Coffee; tea; cocoa and products thereof (47-60); VI – Preserved food (61 and 62); VII – Sweeteners (63-69); VIII – Edible fats and oils (70-78); IX – Milk, eggs and products thereof (79-87); X – Meat and meat products (88-91); XI – Fish and fish products (92-99); XII – Cereals and products thereof (100-117); XIII – Foods of plant origin (118-130); XIV – Confectionery (131-142); XV – Beverages (143-150); XVI – Transitional provisions (151).

For reasons of brevity this summary deals only with the general provisions, contained in Chapter I. This chapter consists of twenty articles within the following headings: 1. Scope of general provisions; 2. Terms and definitions; 3. Offer for sale and processing of food; 4. [Restrictions on the] storage of food unfit for consumption; 5. Food preparations; 6. Dietetic foods; 7. Imported food and food preparations; 8. Food intended for export; 9. Packaging of food; 10. Declarations and advertisements regarding foods; 11. Labelling; 12. Food sampling: terms, conditions and obligations; 13. Taking, preparation and sealing of samples; 14. Sampling reports; 15. Forwarding and receipt of samples; 16. Analysis of samples; 17. Analyst's Report; 18. Results of Analysis; 19. Counter-Analysis; 20. Perishable foods and perishable food samples.

Under Article 2, the following passages may be noted: Paragraph 3: «By the term “food” in this Code shall be understood all solid and liquid products which may be used as food for man. The term “food” includes beverages and refreshing drinks of every kind, water, gums and chewing gums, and any substance or mixture of substances intended for incorporation into food.» Paragraph 7 (first sentence): «By the term “Food Additives” or, simply, “additives”, shall be understood any substance or mixture of substances other than basic ingredients, whose addition to food is intended to improve production, processing and, in general, the preservation and appearance thereof, which may sometimes have an indirect effect on the organoleptic or macroscopic characteristics of the food.»

SOUTH AFRICA. – Act No. 54 of 1972: The Foodstuffs, Cosmetics and Disinfectants Act, 1972 (An Act to control the sale, manufacture and importation of foodstuffs, cosmetics and disinfectants; and to provide for incidental matters).
– 19 May 1972. – *Government Gazette* No. 3530, 2 June 1972, p. 3. [*Summary.*]

Basic law, repealing the Food, Drugs and Disinfectants Act, 1929 (No. 13 of 1929). It consists of thirty sections, as follows:

Sec. 1. Definitions: This Section contains, among other terms and expressions, the definition of “foodstuff”, “sell”, “label”, “package”, “advertisement”, “manufacture”, “import”, “treated”, “*Foodstuff*” means any article or substance (except a drug as defined in the Drugs Control Act 1965) ordinarily eaten or drunk by man or purporting to be suitable, or manufactured or sold, for human consumption.

Sec. 2. Prohibition of sale, manufacture or importation of certain articles: The articles in question are subdivided into nine classes, among them: foodstuffs which do not comply with any standard of composition, strength, purity or quality prescribed by regulation; foodstuffs which are contaminated; foodstuffs containing prohibited substances or added substances intended to deceive, or which have been detrimentally affected in their properties by certain operations.

Sec. 3. Sale of mixed, compound or blended foodstuffs: With specified exceptions, such sale is subject to certain labelling requirements.

Sec. 4-6. With due regard to the *special defences* provided for in Sec. 6, it is an offence to use a prohibited process, method, appliance, container or object in connection with articles coming under the Act (Sec. 4), or to falsely describe such articles (Sec. 5).

Sec. 7. Warranties: Deals with the written warranties which constitute, under Sec. 6, a special defence against the charge of selling or importing any foodstuffs in contravention of the Act.

Sec. 8-9. Presumptions of liability: These affect the employer or the principal (for an act or omission of an employee, manager or agent) and the importer, manufacturer or packer (in respect of an article which is sold in a sealed package and which does not comply with the provisions of the Act).

Sec. 10-11. Inspectors: Their powers, duties and functions.

Sec. 12-13. Analysts and analysis: Methods or forms and certificates or reports of analysis; further analysis or examination of sample.

Sec. 14. Detention of imported articles.

Sec. 15. Regulations: These may cover fifteen general subjects, as indicated in this section. Normally, the Minister of Health is required to publish the proposed text, together with a notice inviting comments thereon, in the Gazette before making any regulation.

Sec. 16. *Preservation of secrecy.*

Sec. 17. *Offences* (seven main classes of offences).

Sec. 18. *Penalties:* These have three different rates (depending on whether it is a first, a second, or a third or subsequent conviction for offences under the Act). For a contravention of or failure to comply with any regulation, persons convicted are liable to only those penalties which may have been specifically prescribed by regulation.

Sec. 19-22. *Prosecutions:* Jurisdiction (Sec. 19); forfeiture (Sec. 20); time limits and other requirements (Sec. 21); proof of facts and presumptions (Sec. 22).

Sec. 23-24. *Administration of Act by authorized local authority* (authorized by notice in the Gazette by the Minister of Health).

Sec. 25-27. *Miscellaneous matters:* Delegation of powers to officers in the Department of Health; defect in form does not invalidate administrative proceedings; restriction of liability for action taken in good faith.

Sec. 28. *Application of Act to articles imported in transit:* This requires a proclamation in the Gazette.

Sec. 29-30. *Repeal, short title and commencement.*

SWITZERLAND. – See under IV/3.

ZAMBIA. – **Act No. 22 of 1972: The Food and Drugs Act, 1972** (An Act to protect the public against health hazards and fraud in the sale and use of food, drugs, cosmetics and medical devices and for matters incidental thereto or connected therewith). – 18 August 1972. – *Government Gazette* No. 81, 25 August 1972, Supplement, p. 133. [*Extracts.*]

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16. Prohibited sale of devices
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20. Importation
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22. Food and Drugs Board
23. Regulations
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25. Appointment and duties of public analyst
26. Power of Director of Medical Services
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29. Power of court to order licence to be cancelled and articles to be disposed of
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REPEAL AND AMENDMENTS

Section

35. Amendment to other written laws

First Schedule – Publications

Second Schedule – Amendment of Enactments

* * *

PART I

PRELIMINARY

1. This Act may be cited as the Food and Drugs Act, 1972, and shall come into operation on such date as the Minister may, by statutory order, appoint.

2. In this Act, unless the context otherwise requires—

“advertisement” includes any representation by any means whatsoever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device;

“article” includes—

- (a) any food, drug, cosmetic or device and any labelling or advertising materials in respect thereof; or
- (b) anything used for the preparation, preservation, packing or storing of any food, drug, cosmetic or device;

“authorised officer” means a Medical Officer of Health, a Health Inspector, or any suitably qualified person authorised in writing by the Minister or by a local authority with the approval of the Minister for the purpose of this Act, and—

- (a) for the purpose of taking of samples under sections *twenty-four* and *twenty-six* and sending them to a public analyst, and for receiving reports thereof under section *twenty-five*, includes a police officer of or above the rank of Assistant Inspector and an officer of the Department of Customs and Excise authorised in that behalf by the Controller of Customs and Excise;
- (b) for the purpose of exercising control in respect of drugs, cosmetics or devices, includes an inspector as defined in the Dangerous Drugs Act; and
- (c) for the purpose of any proceedings under section *thirty*, includes the principal officer as defined in the Local Government Act, and the secretary of a Mine Township Management Board;

“Board” means the Food and Drugs Board established by section *twenty-two*;

“cosmetic” includes any substance or mixture of substances manufactured, sold or represented for use in cleansing, improving or altering the complexion, skin, hair, eyes, teeth or nails, and includes deodorants and perfumes;

“device” means any instrument, apparatus or contrivance, including components, parts and accessories thereof, manufactured, sold or represented for use in the diagnosis, treatment, mitigation or prevention of a disease, disorder or abnormal physical state, or the symptoms thereof, in man or animal;

“drug” includes—

- (a) any substance included in any publication mentioned in the First Schedule; and
- (b) any substance or mixture of substances prepared, sold or represented for use in—
 - (i) the diagnosis, treatment, mitigation or prevention of a disease, disorder or abnormal physical state, or the symptoms thereof, in man or animal; or
 - (ii) restoring, correcting or modifying organic functions in man or animal;

“food” includes any article manufactured, sold or represented for use as food or drink for human consumption, chewing gum, and any ingredient of such food, drink or chewing gum;

“Health Inspector” has the meaning assigned to it in the Public Health Act;

“insanitary conditions” means such conditions or circumstances as might cause contamination of a food, a drug or a cosmetic with dirt or filth or might render the same injurious or dangerous to health;

“label” includes any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to or included in, belonging to, or accompanying any food, drug, cosmetic or device;

“local authority” means—

- (a) a municipal council; or
- (b) a township council; or
- (c) a rural council; or
- (d) a Board of Management appointed pursuant to section *eight* of the Mine Townships Act;

“Medical Officer of Health” has the meaning assigned to it in the Public Health Act;

“municipal council” and “rural council” and “township council” have the meanings assigned respectively thereto in section *two* of the Local Government Act;

“package” includes anything in which any food, drug, cosmetic or device is wholly or partly placed or packed and includes any basket, pail, tray or receptacle of any kind whether open or closed;

“premises” includes—

- (a) any building or tent or other structures permanent or otherwise together with the land on which the same is situated and any adjoining land used in connection therewith and includes any vehicle, conveyance or vessel; and
- (b) for the purpose of section *twenty-four*, a reference to premises shall be deemed to include reference to any street, open space or place of public resort, bicycle or other vehicle used for the preparation, preservation, packaging, storage or conveyance of any article;

“preparation” includes manufacture and any form of treatment, and “prepare” shall be construed accordingly;

“public analyst” means a person appointed by the Minister, or by a local authority with the approval of the Minister, to act as an analyst for the purposes of this Act;

“sell” includes offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or exchange, dispose of for any consideration whatsoever, or transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid;

“ship” includes any boat or craft;

“Subordinate Court” means a Subordinate Court constituted under the Subordinate Courts Act;

“substance” includes liquid and gas.

PART II

GENERAL PROVISIONS

A. Food

3. Any person who sells any food that—

- (a) has in or upon it any poisonous or harmful substance; or
- (b) consists in whole or in part of any filthy, putrid, rotten, decomposed or diseased substance or foreign matter, or otherwise unfit for human consumption; or

(c) is adulterated;
shall be guilty of an offence.

4. Any person who labels, packages, treats, processes, sells or advertises any food in a manner that is false, misleading or deceptive as regards its character, nature, value, substance, quality, composition, merit or safety, or in contravention of any regulations made under this Act, shall be guilty of an offence.

5. Where a standard has been prescribed for any food, any person who labels, packages, sells or advertises any food which does not comply with that standard, in such a manner that it is likely to be mistaken for food of the prescribed standard, shall be guilty of an offence.

6. Any person who sells to the prejudice of the purchaser any food which is not of the nature, or is not of the substance, or is not of the quality, of the article demanded by the purchaser, shall be guilty of an offence.

7. Any person who sells, prepares, packages or stores for sale any food under insanitary conditions shall be guilty of an offence.

B. Drugs

8 to 12. [*Omitted.*]

C. Cosmetics

13 to 15. [*Omitted.*]

D. Devices

16 to 19. [*Omitted.*]

PART III

IMPORTATION AND WARRANTY

20. (1) Subject to the provisions of subsection (2), the importation of any article which does not comply with the provisions of this Act is hereby prohibited.

(2) Where an article sought to be imported into Zambia would, if sold in Zambia, constitute a contravention of this Act, the article may be imported into Zambia for the purposes of satisfactorily relabelling or reconditioning the same so that the provisions of this Act are complied with and, where such relabelling or reconditioning is not carried out within three months of the importation, such article shall be exported by the importer within a further period of one month or such other period as the Minister

may determine and, where it is not so exported, it shall be forfeited and disposed of as the Minister may direct.

21. (1) No manufacturer or distributor of, or dealer in, any article shall sell such article to any vendor unless he gives a warranty in writing in the prescribed form about the nature and quality of such article to the vendor.

(2) If any person contravenes the provisions of subsection (1) or gives a warranty which is false, he shall be guilty of an offence.

PART IV

ADMINISTRATION AND ENFORCEMENT

22. (1) The Minister shall, as soon as may be after the commencement of this Act, constitute a Board called the Food and Drugs Board to advise the Minister on matters arising out of the administration of this Act and to carry out such other functions as assigned to it under this Act.

(2) The Board shall consist of the following members:

- (a) the Permanent Secretary of the Ministry of Health, *ex officio*, who shall be the Chairman;
- (b) the Secretary-General of the National Council for Scientific Research, *ex officio*;
- (c) the Chief Health Inspector employed in the Ministry responsible for Health, *ex officio*;
- (d) the Chief Pharmacist employed in the Ministry responsible for Health, *ex officio*;
- (e) one public analyst nominated by the Minister;
- (f) one member representing the National Food and Nutrition Commission established under section *three* of the National Food and Nutrition Commission Act, and nominated by the Commission;
- (g) one member nominated by the Minister from amongst the Medical Officers of Health employed by local authorities;
- (h) one member who is a person connected with or dealing in food industry nominated by the Minister;
- (i) one member nominated by the Minister from amongst persons who are members of the Pharmaceutical Society of Zambia; and
- (j) one member of the Zambian Standards Association nominated by the said Association.

(3) The member of the Board who is not an *ex officio* member shall, unless his office becomes vacant earlier by resignation, death or otherwise, be entitled to hold office for three years and shall be eligible for re-nomination.

(4) The quorum of the Board shall be five.

(5) The Board may invite any person to attend any particular meeting for the purpose of assisting or advising the Board, but no such person shall have any right to vote at such meeting.

(6) The Board may appoint one or more Committees of the Board consisting of such number of persons, whether members of the Board or not, as it may deem necessary to assist it in the exercise of its functions, provided that the Board shall not delegate any of the powers conferred upon it under this Act to any such committee.

(7) The Board may, subject to any written direction of the Minister, regulate its own procedure and the transactions of its business as well as the work and procedure of the committees appointed by it.

(8) The Minister may appoint a public officer as a Secretary to the Board who shall be the Chief Executive Officer of the Board and it shall be his duty to assist the Board in all respects and in such manner as the Board may from time to time require in the discharge of its functions and the carrying out of its activities under this Act.

23. (1) Subject to the provisions of subsection (2), the Minister may, after consultation with the Board, make regulations—

- (a) declaring that any food or drug or class of food or drugs is adulterated if any prescribed substance or class of substance is present therein or has been added thereto or extracted or omitted therefrom;
- (b) respecting—
 - (i) the labelling and packing and the offering, exposing and advertising for sale of food, drugs, cosmetics and devices;
 - (ii) the size, dimensions and other specifications of packages of food, drugs, cosmetics and devices;
 - (iii) the sale or the conditions of sale of any food, drug, cosmetic or device; and
 - (iv) the use of any substance as an ingredient in any food, drug, cosmetic or device, to prevent the consumer or purchaser thereof from being deceived or misled as to its quality, quantity, character, value, composition, effect, merit or safety or to prevent injury to the health of the consumer or purchaser;

- (c) prescribing standards of composition, strength, potency, purity, quality or other property of any food, drug, cosmetic or device;
- (d) respecting the importation or exportation of food, drugs, cosmetics and devices in order to ensure compliance with this Act;
- (e) respecting the method of preparation, preserving, packing, storing, conveying and testing of any food, drug, cosmetic or device in the interests of, or for the prevention of injury to, the health of the consumer, user or purchaser;
- (f) respecting the carriage of goods subject to the provisions of this Act, including the licensing of vehicles used in such carriage;
- (g) requiring persons who sell food, drugs, cosmetics or devices to maintain such books and records as the Board considers necessary for the proper enforcement and administration of this Act;
- (h) requiring manufacturers of any drugs to submit test portions of any batch of such drugs;
- (i) providing for the analysis or examination of food, drugs, cosmetics or devices for the purposes of this Act or for any other purpose and prescribing a tariff of fees to be paid for such analysis and for prescribing methods of analysis;
- (j) providing for the taking of samples of any article for the purposes of this Act or for any other purpose;
- (k) exempting any food, drug, cosmetic or device from all or any of the provisions of this Act and prescribing the conditions of such exemption; and
- (l) prescribing anything which is to be or which may be prescribed under this Act.

(2) Where the Board deems it advisable that any regulations under subsection (1) should be published as a draft thereof with a view to inviting the comments of the public thereon, no such regulation shall be made unless a draft thereof has been published in the *Gazette* not less than fourteen days before the regulations are made.

(3) Where any regulations made under this Act or under the Public Health Act prohibit or restrict the addition of any ingredient or material to any food, the addition of such ingredient or material, if made in contravention of the regulations, shall, for the purposes of this Act, be deemed to render the food injurious to health.

(4) Where any regulations made under this Act or under the Public Health Act prescribe the composition of any article of food intended for sale, or prohibit or restrict the addition of any ingredient or material to any

such article, the purchaser of such article shall, unless the contrary is proved, be deemed for the purposes of this section to have demanded an article complying with the provisions of the regulations as regards the presence or amount of any constituent, ingredient or material specified in the regulations.

(5) The Minister, after consultation with the Board, may make regulations generally for carrying out any of the purposes or provisions of this Act.

24. (1) An authorised officer may, at any hour reasonable for the proper performance of his duty—

- (a) enter any premises where he believes any article to which this Act applies is prepared, preserved, packaged, stored or conveyed, examine any such article and take samples thereof, and examine anything that he believes is used or capable of being used for such preparation, preservation, packaging, storing or conveying;
- (b) stop or search or detain any aircraft, ship or vehicle in which he believes on reasonable grounds that any article subject to the provisions of this Act is being conveyed and examine any such article and take samples thereof for the purposes of this Act;
- (c) open and examine any receptacle or package which he believes contains any article to which this Act applies;
- (d) examine any books, documents or other records found in any premises mentioned in paragraph (a) that he believes contain any information relevant to the enforcement of this Act with respect to any article to which this Act applies and make copies thereof or take extracts therefrom; and
- (e) seize and detain for such time as may be necessary any article by means of or in relation to which he believes any provision of this Act has been contravened.

(2) An authorised officer acting under this section shall, if so required, produce his authority.

(3) Any owner, occupier or person in charge of any premises entered by an authorised officer pursuant to paragraph (a) of subsection (1), or any person found therein, who does not give to the authorised officer all reasonable assistance in his power and furnish him with such information as he may reasonably require, shall be guilty of an offence.

(4) Any person who obstructs or impedes any authorised officer in the course of his duties or prevents or attempts to prevent the execution by the authorised officer of his duty under this Act shall be guilty of an offence.

(5) Any person who knowingly makes any false or misleading statement either verbally or in writing to any authorised officer engaged in carrying out his duties under this Act shall be guilty of an offence.

(6) An authorised officer shall release any article seized by him under this Act when he is satisfied that all the provisions of this Act with respect thereto have been complied with.

(7) Where an authorised officer has seized an article under this Act and the owner thereof or the person in whose possession the article was at the time of seizure consents to the destruction thereof, the article may be destroyed or otherwise disposed of as the authorised officer may direct; if the owner or the person does not consent to the destruction of the article, the authorised officer may apply to a Subordinate Court for the destruction or disposal of such article and the Subordinate Court may make such order as it may deem fit.

(8) Where any article has been seized under the provisions of paragraph (e) of subsection (1) and the owner thereof has been convicted of an offence under this Act, the article may be destroyed or otherwise disposed of as the court may direct.

(9) Any person who removes, alters or interferes in any way with any article seized under this Act without the authority of an authorised officer shall be guilty of an offence.

(10) Any article seized under this Act may at the option of an authorised officer be kept or stored in the premises where it was seized or may at the direction of an authorised officer be removed to any other proper place.

(11) An authorised officer may submit any article seized by him or any sample therefrom or any sample taken by him to a public analyst for analysis or examination.

25. (1) No person shall be appointed to be a public analyst for any area in which he is engaged directly or indirectly in any trade or business connected with the sale of food, drugs, cosmetics and devices.

(2) A public analyst shall as soon as practicable analyse or examine any sample sent to him in pursuance of this Act and shall give the authorised officer a certificate specifying the result of the analysis or examination, and such certificate shall be in such form as may be prescribed by the Minister on the advice of the Board.

26. The Director of Medical Services may, in relation to any matter appearing to him to affect the general interests of the consumer, direct a public officer to procure for analysis samples of any food, drug, device and cosmetic, and thereupon that officer shall have all the powers of an authorised officer under this Act, and this Act shall apply as if the officer were an authorised officer.

27. (1) It shall be the duty of every local authority to exercise such powers as are conferred upon it and in particular to direct its officers to procure samples for analysis.

(2) If the Minister is of the opinion that a local authority has failed to execute or enforce any of the provisions of this Act in relation to any article and that its failure affects the general interests of the consumer, the Minister may by order empower an officer to execute and enforce those provisions or to procure the execution and enforcement thereof in relation to any article mentioned in the order.

(3) The expenses incurred as a result of any order under subsection (2) shall be recoverable by the Minister from the local authority and the amount so recovered shall be treated as expenses incurred by the local authority under this Act.

28. (1) The Minister may direct any person who at the date of the direction or at any subsequent time carries on a business which includes the production, importation or use of any substances to which this Act applies to furnish to him, within such time as may be specified in such direction, such particulars, as may be so specified, of the composition and use of any such substance sold or for sale in the course of that business or used in the preparation of food or drugs.

(2) Without prejudice to the generality of subsection (1), a direction made thereunder may require the following particulars to be furnished in respect of any substance, that is to say—

- (a) particulars of the composition and chemical formula of the substance;
- (b) particulars of the manner in which the substance is used or proposed to be used in the preparation of food;
- (c) particulars of any investigations carried out by or to the knowledge of the person carrying on the business in question, for the purpose of determining whether and to what extent the substance, or any product formed when the substance is used as aforesaid, is injurious to, or in any other way affects, health;
- (d) particulars of any investigation or inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining the cumulative effect on the health of a person consuming the substance in ordinary quantities.

(3) No particulars furnished in accordance with a direction under this section and no information relating to any individual business obtained by means of such particulars shall, without the previous consent in writing of the person carrying on the business in question, be disclosed except in due discharge of his duties under this Act, and any person who discloses

any such particulars or information in contravention of this subsection shall be guilty of an offence.

PART V

LEGAL PROCEEDINGS

29. (1) On the conviction of any person for any offence under this Act, the court may, in addition to any other penalty which it may lawfully impose, cancel any licence issued to such person under any written law.

(2) Where a person has been convicted of an offence under this Act, the court may order that any article by means of or in relation to which the offence was committed or anything of a similar nature belonging to or in the possession of the convicted person or found with such article, be forfeited, and upon such order being made such articles and things may be disposed of as the court may direct.

30. (1) Where a public analyst having analysed or examined any article to which this Act applies, has given his certificate and from that certificate it appears that an offence under this Act has been committed, an authorised officer may take proceedings under this Act before any Subordinate Court having jurisdiction in the place where the article sold was actually delivered to the purchaser or the sample thereof taken.

(2) In any proceedings under this Act, the contents of any package appearing to be intact and in the original state of packing by the manufacturer thereof, shall be deemed, unless the contrary is proved, to be an article of the description specified on the label.

31. (1) In any prosecution under this Act, the summons shall state the particulars of the offence or offences alleged and also the name of the prosecuting officer and shall not be made returnable before fourteen days from the date on which it is served.

(2) A person found guilty of an offence under this Act for which no special penalty is provided shall be liable on conviction—

- (a) in the case of a first offence, to a fine not exceeding one hundred kwacha or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment;
- (b) in the case of a subsequent offence, to a fine not exceeding two hundred kwacha or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

32. In any proceedings under this Act—

- (a) a certificate of analysis purporting to be signed by a public analyst shall be accepted as *prima facie* evidence of the facts stated therein provided that—

- (i) the party against whom it is produced may require the attendance of the public analyst for the purposes of cross-examination; and
- (ii) no such certificate of a public analyst shall be received in evidence unless the party intending to produce it has, before the trial, given the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate;
- (b) evidence that the package containing any article to which this Act applies, bore a name, address or registered mark of the person by whom it was manufactured or packed shall be *prima facie* evidence that such article was manufactured or packed, as the case may be, by that person;
- (c) any substance commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale for human consumption;
- (d) any substance commonly used for human consumption which is found on premises used for the preparation, storage or sale of that substance and any substance commonly used in the manufacture of products for human consumption which is found on premises used for the preparation, storage or sale of those products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption;
- (e) any substance capable of being used in the composition or preparation of any substance commonly used for human consumption which is found on premises on which that substance is prepared shall, until the contrary is proved, be presumed to be intended for such use.

33. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other written law.

34. The Minister may, by statutory order, amend the First Schedule to this Act.

PART VI

REPEAL AND AMENDMENTS

35. The enactments mentioned in the Second Schedule are hereby amended to the extent indicated in the second column thereof.

FIRST SCHEDULE

(Sections 2 and 10)

PUBLICATIONS [Omitted.]

SECOND SCHEDULE

(Section 35)

AMENDMENT OF ENACTMENTS [Summary.]

The following Acts are affected:

The Dairies and Dairy Produce Act (Cap. 342):	Section 2 amended.
The Traditional Beer Act (Cap. 423):	Section 6 repealed.
The Public Health Act (Cap. 535):	Section 79 repealed and replaced; Section 82 amended.
The Pharmacy and Poisons Act (Cap. 536):	Section 24 amended.
The Therapeutic Substances Act (Cap. 550):	Section 8 repealed.

AUSTRALIA (New South Wales). – Regulations under the Pure Food Act, 1908. – Amendment. – 4 July 1972. – *N.S.W.G.G.* No. 76, 28 July 1972, p. 3016. [Extensive amendment of the principal regulations, 1937, in respect of various types of Yoghurt, prescribed method for determining the presence of *Escherichia coli* (type I), fruit juice drinks, preservatives and labelling.]

BELGIUM. – Ministerial Order supplementing Ministerial Order of 18 September 1967, establishing the list of additives authorized in trade in foodstuffs and substances for use as food. – 19 June 1972. – *M.B.* No. 196, 10 October 1972, p. 11147. [Inserts new “XVI – Vitamins”. Specifies use limitations for vitamins A, D, D2 and D3 in margarine.]

BELGIUM. – Royal Order relative to the manufacture of, trade in and use of objects and materials intended to enter into contact with foodstuffs and substances used as food. – 12 September 1972. – *M.B.* No. 207, 25 October 1972, p. 11725. [Containers, packaging material, etc. and constituent elements of food-contact coating materials.]

BELGIUM. – Royal Order relative to dietetic or dietary food. – 27 October 1972. – *M.B.* No. 230, 30 November 1972, p. 13289. [Definitions, labelling, packaging, other specifications.]

CANADA. – SOR/72-358: See under XVII/4.

DENMARK. – See under XI/6.

ECUADOR. – See under XVII/4.

FINLAND. – Ordinance amending the Foodstuffs Ordinance. – 5 November 1971. – *F.F.* 1971, No. 759. [Administrative provisions.]

FINLAND. – Ordinance on honey: See under IV/4.

GERMAN DEMOCRATIC REPUBLIC. – Order No. 2 relative to date limits of Margarine. – 30 June 1972. – *GBI.* II No. 42, 14 July 1972, p. 480. [Margarine to be delivered to wholesale dealers and retailers within a specified number of days after production.]

GERMANY (Federal Republic). – Second Order amending the Chewing Gum Order. – 24 July 1972. – *BGBI.* I No. 72, 27 July 1972, p. 1262. [Miscellaneous amendments of basic Order of 19 December 1959, published in excerpts in *Food and Agricultural Legislation*, Vol. IX, No. 3, as amended by the Food Act Amendment Act of 8 September 1969. Cf. also minor amendment dated 20 September 1972 (*BGBI.* I No. 106, 23 September 1972, p. 1825).]

GERMANY (Federal Republic). – DDT Act: See under III/5.

GERMANY (Federal Republic). – Order on substances with antioxidant effect (Antioxidants Order). – 28 November 1972. – *BGBI.* I No. 129, 5 December 1972, p. 2220. [Specifications and schedules on antioxidants and other approved substances. Amends Essences Order of 9 October 1970 and Sulphur-Dioxide Order of 13 August 1969.]

HUNGARY. – Instruction No. 15/1972-MÉM relative to the Central Food Control and Chemical Analysis Institute. – Undated. – MÉM.É. No. 25, 17 June 1972, p. 569. [Establishment of Institute; terms of reference; operation.]

INDIA. – Insecticides Rules 1971: See under III/5.

INDIA. – Prevention of Food Adulteration (Amendment) Rules, 1971. – 26 May 1971. – *G.I.* Part II, Section 3 (i), 12 June 1971. [Extensive amendment dealing, *inter alia*, with food colours, fluid milk, black pepper, saccharin sodium, maize oil, whole meal barley powder, food grains. Republished in *Kerala Gazette* No. 34, 29 August 1972, Part I, Supplement, Section i.]

ITALY. – Ministerial Decree: Amendment of Ministerial Decree of 15 June 1971 relative to transport of deep-frozen foodstuffs. – 20 June 1972. – *G.U.* No. 186, 19 July 1972, p. 5179. [Requires, *inter alia*, health authorization for transport vehicles, including those coming from abroad.]

ITALY. – Ministerial Decree: Amendments to Ministerial Decree of 15 June 1971 issuing regulations governing the control of production and sale to consumer of deep-frozen foodstuffs and conditions to be complied with in respect of their manufacture and labelling. – 21 June 1972. – *G.U.* No. 190, 22 July 1972, p. 5270. [Amends Article 14 in respect of import of deep-frozen foodstuffs.]

ITALY. – Ministerial Decree: Updating of Ministerial Decree of 31 March 1965 relative to the control of chemical additives authorized in the preparation and preservation of foodstuffs. – 1 July 1972. – *G.U.* No. 186, 19 July 1972, p. 5182. [Affects: Title III – Stabilizers; Title VI – Surface treatment substances.]

ITALY. – Ministerial Decree authorizing the use of glucosidase enzyme in the production of alimentary pastes. – 30 October 1972. – *G.U.* No. 302, 21 November 1972, p. 7645. [A maximum of 6 000 Garrett units per 100 kg of semolina and related materials intended for such production; label statement required on the semolina or other material so treated.]

ITALY. – Ministerial Decree: Updating of Ministerial Decree of 31 March 1965 relative to the control of chemical additives authorized in the preparation and preservation of foodstuffs. – 31 October 1972. – *G.U.* No. 300, 18 November 1972, p. 7580. [Affects: Title I – Antimicrobial preservatives, including antioxidants, and Title VI – Surface treatment substances.]

LEBANON. – Regulations for egg processing and preservation centres: See under IV/4.

LEBANON. – Ordinance No. 62: See under IV/4.

LEBANON. – Regulation relating to grading, etc. of powdered milk, etc.: See under XI/6.

LEBANON. – Decree No. 1781 implementing the urgent bill of law relating to the addition of potassium iodide or iodate to table or kitchen salt. – 1 September 1971. – Official Gazette No. 75, 20 September 1971, p. 1238. [Extensive provisions.]

NETHERLANDS. – Decree relative to the use of an amino acid-containing preparation in breadmaking. – 3 March 1972. – *Stbl.* 1972, No. 149. [Identity standard, limitations.]

NORWAY. – Ordinance concerning preserved plant products. – 10 December 1971. – *N.L.* No. 40, 29 December 1971, p. 1592. [Comprehensive provisions, including 36 sections in 5 chapters as follows: I – General; II – Special provisions (fruit and berry preserves; vegetables including potato conserve); III – Special provisions concerning substitute products for fruit, berry and vegetable preserves; IV – Alcohol-free wine; V – Penalties and entry into force.]

NORWAY. – Ordinance on imports of preserved plant products. – 24 April 1972. – *N.L.* No. 14, 23 May 1972, p. 536. [These products should comply with the standards set forth by the Ordinance of 10 December 1971 (see above).]

SOUTH AFRICA. – G.N. No. R.1793: Regulations prescribing the patterns of and standards for glassware and appliances used for the testing of milk and cream for butter-fat content and the manner in which such glassware and appliances shall be branded. – 6 October 1972. – *G.G.* No. 3670, 6 October 1972, p.3

SPAIN. – Decree No. 2257/1972 of the Presidency of the Government regulating the standardization of agricultural products on the home market. – 21 July 1972. – *B.O.E.* No. 205, 26 August 1972, p. 15717. [Affects raw agricultural commodities; definition; quality criteria; labelling.]

SPAIN. – Decree No. 3069/1972 of the Presidency of the Government issuing regulations in respect of bottled drinking waters. – 26 October 1972. – *B.O.E.* No. 268, 8 November 1972, p. 19848.

SWITZERLAND. – Swiss Milk Supply Regulations: See under XI/6.

SWITZERLAND. – Ordinance regulating trade in foodstuffs and certain common use articles (Ordinance on Foodstuffs). – Amendment. – 30 August 1972. – *R.L.F.* No. 36, 8 September 1972, p. 1797. [Extensive amendment. Inserts new articles on ices; amends or supplements others, mainly in respect of concentrated bouillons; condiments, clear and quick soups and sauces; fruit, vegetables, table potatoes, edible mushrooms, fruit and vegetable preserves. *Note:* For *corrigendum* see: *R.L.F.* No. 42, 13 October 1972, p. 2488.]

TUNISIA. – Order of the Minister of the National Economy relative to plastic packaging material. – 4 September 1972. – *J.O.R.T.* No. 38, 22 September 1972, p. 1286. [No such material may be used more than once in respect of semi-preserves, milk or other foodstuffs.]

UNITED KINGDOM. – The Bread and Flour (Amendment) Regulations, 1972. – 13 September 1972. – *S.I.* 1972, No. 1391. [Extend list of bleaching and improving agents in flour; amend specified forms in which chalk, iron, vitamin B1 and nicotinic acid or nicotinamide are required to be added to flour. For the text of the principal Regulations (*S.I.* 1963, No. 1435) see *Food and Agricultural Legislation*, Vol. XIII, No. 1, fasc. 4.]

UNITED KINGDOM. – The Labelling of Food (Amendment) Regulations, 1972. – 10 October 1972. – *S.I.* 1972, No. 1510. [Extensive amendments to 1970 Regulations in respect of, *inter alia*, definitions; designations; exemption provisions; labelling provisions and restrictions on claims as to sources of protein and of vitamins and minerals; also further amend the Soft Drinks Regulations, 1964.]

UNITED KINGDOM. – The Lead in Food (Amendment) Regulations, 1972. – 30 November 1972. – *S.I.* 1972, No. 1843. [Restrict to 0.5 ppm the amount of lead which may be present in food specially prepared for consumption by babies and young children.]

UNITED STATES OF AMERICA. – Code of Federal Regulations, Title 50: See under XVII/4.

UNITED STATES OF AMERICA. – Code of Federal Regulations, Title 21, Chapter I, Subchapter B, Part 19: See under XI/6.

UNITED STATES OF AMERICA. – Code of Federal Regulations, Title 21, Chapter I, Subchapter B, Part 37: See under XVII/4.

XI/13 – GAS OIL, FUEL AND AGRICULTURAL MACHINERY

SWITZERLAND. – Ordinance regulating the refund of customs duty levied on fuel used for agricultural and silvicultural purposes. – 15 August 1972. – *R.L.F.* No. 40, 29 September 1972, p. 2341. [Extensive and detailed provisions.]

XII. AGRICULTURAL AND COMMERCIAL STATISTICS INCLUDING CENSUSES

EUROPEAN ECONOMIC COMMUNITY. – Decision of the Council (72/279/CEE) appointing a standing Committee on agricultural statistics. – 31 July 1972. – *J.O.C.E.* No. L 179, 7 August 1972, p. 1.

IRAQ. – Law No. 21 of 1972: Statistics. – 5 March 1972. – *W.G.* No. 21, 24 May 1972, p. 5. [Chapter 1 – Definitions; 2 – The Organization's Specializations and Duties; 3 – Duties and Onus of the Respondent; 4 – Provisions pertaining to Population Census; 5 – General Miscellaneous Provisions.]

XIII. FOREST PRODUCTION

XIII/1 – GENERAL FOREST LEGISLATION

HONDURAS. – Legislative Decree No. 85: Forestry Law. – 10 February 1972.
– *La Gaceta* No. 20.620, 4 March 1972, p. 1. [Summary.]

The principal objectives of this basic forestry law are to promote the best use of the flora, fauna and soils in forest areas on the basis of maximum sustained yield and multiple use, to ensure their protection and improvement, and to rationalize the use, processing and marketing of forest products.

The Act establishes a National Forestry Administration under the Secretary of State for Natural Resources, composed of a Director-General, the former Department of Forest Resources and Hunting, and a Forest Guard Corps. One of the precepts of the new Forestry Administration is to be the territorial decentralization of forest services.

For the purpose of the law, forest areas are defined in terms of lands already having forest covering, and lands, whether bearing forest covering or not, which should be put down to forestry because of their unsuitability for agricultural use, their potential for timber production, for the protection of water and soils, or for their aesthetic and recreational value. Forest areas fall into two categories, private forest areas and public forest areas, the latter comprising both state land and municipal common land.

Forest areas are also divided into protected forest zones, declared as such where the conservation function of the forest is paramount, zones of forest interest, classified as such where important as productive areas, and public and private unclassified forest zones. Both public and private areas classified as protected forest zones, or forest interest zones, are subject to special management controls; public forest areas so classified form part of the Inalienable Public Forest Estates and are inscribed in the Register of such estates. Classification does not prejudice rights of ownership or possession but allows the forest administration to impose certain restrictions on the use of the classified lands.

The delimitation and physical marking out of public forest areas is a responsibility of the National Forestry Administration. Public announcement is given of the delimitation proceedings and persons claiming a legitimate interest summoned to attend the proceedings and present evidence of their interests affected.

No public land may be alienated or pass into the possession of individuals except with the written consent of the National Forestry Administration and, in the case of the Inalienable Public Forest Estates, by Act of the National Congress.

In protected forest zones, no acts are allowed that could change the vegetation, wildlife, scenery or soil, or decrease water resources, unless specified in the forest management plans approved by the National Forestry Administration. In all public forest areas, in private forest areas under special management controls and in areas declared as fire danger zones, clearing or breaking up the ground, starting fires, grazing, felling timber and extracting resins are forbidden. In other forest areas, the National Forestry Administration may regulate these activities.

The National Forestry Administration is also responsible for organizing fire control programmes and taking measures to prevent and combat fire, and to repair damage caused by fire. To formulate and coordinate protection measures, a permanent National Committee for Forest Protection is established under the chairmanship of the Secretary for Natural Resources. Forest owners and users must report outbreaks of diseases and pests, and the Forestry Administration may, in certain extreme cases, declare a state of forest emergency or place certain forest areas under quarantine. The Forestry Administration may also provide sanitary controls and certification over imported and exported seeds and other forest products.

The Secretary of State for Natural Resources is responsible for promoting reforestation. In this connexion, clearing for shifting cultivation is allowed only if authorized by the Forestry Administration and only on land where the slope does not exceed 15 percent.

Sites of great beauty or wilderness may be designated as national parks by Executive Order in order to protect scenery, flora and fauna and geological and hydrological features. National parks are to be administered by the forest authorities in cooperation with the tourism authorities.

In order to conserve soil and water resources, no trees or shrubs may be cut or destroyed within 250 metres on either side of any water source or within 150 metres of any water course or lake. The Forestry Administration will participate in the study and execution of water and soil conservation and management and flood studies and projects, and may declare protected forestry zones for these purposes.

Where mining concessions or other special contracts are authorized on forest land, the rights passed do not include any rights over the forest covering itself.

No working of public forest areas is allowed except by authorization of the State, which may take the form of adjudication by auction; contracts for the supply of forest products; permits for small-scale workings; permits for larger scale workings, and forest use licences. Adjudication by auction is obligatory for public forest areas for which forest management plans have been established or approved by the National Forestry Administration, but may be used for other public forest areas too. Successful bidders must put down a surety of 10 percent of the estimated annual production or of the amount of the initial investment.

Contracts for the supply of forest products may be granted only to industrial undertakings whose establishment is considered of fundamental importance from the point of view of economic and social development; under these contracts wood is to be supplied from forest areas declared as forest interest zones and covered by forest management plans formulated or approved by the administration, which ensure sustained yield production at the highest level. The contracts, by which the Government binds itself to supply the necessary timber to the industry, are negotiated by the Secretary of State for Natural Resources on the advice of a technical committee for forest agreements and contracts, and are given force by Executive Order. Permits for small-scale workings are granted by the Secretary of State for Natural Resources on the advice of the Forestry Administration, and are subject to certain conditions, including the payment as security of 10 percent of the estimated value of the timber to be harvested annually, the marking of the area, and the approval of working, improvement and reforestation plans. Small-scale workings are limited to a ceiling of 10 000 cubic metres and a duration of 10 years renewable. Applications must be accompanied by an approved management plan.

Applicants for permits for large-scale workings must first apply for a provisional survey contract, to be granted by the Secretary of State for Natural Resources on the advice of the Forestry Administration. The application must be accompanied by a map of the area to be surveyed and the details of the industrial exploitation envisaged. Provisional contracts may last for up to one year and involve a deposit of 20.00 lempiras per square kilometre as guarantee, returnable on approval of the studies undertaken and presented under the survey contract.

Preference is normally given to holders of survey contracts in negotiations for large-scale working permits, although outside offers may be considered if better.

Permits are subject to approval by the National Congress, allow annual cuts of 10 000 to 40 000 cubic metres, and have a duration of 12 years. Applications must be accompanied by supporting documentation, including management plans, a list of qualified technical personnel and a security of 20 percent of the estimated value of the annual production or of the initial investment.

Forest use licences are required for noncommercial uses of public forest lands, such as use of forest products for domestic purposes, for building of local dwellings, for state or municipal public services, construction of telegraph lines or cutting of trees to construct paths and roads. Licences are issued by the Forestry Administration and by municipal authorities for municipal lands, and may be free of charge where domestic uses are involved and uses are sanctioned by local custom.

No timber and forest products from public forest workings may be worked, processed or transported to ports of export until inspected and scaled by Forestry Administration officers, and all timber over 0.25 metre in diameter must be marked with State hammer markings. No hammer markings are necessary for clear-cutting of standing timber under management plans prepared or approved by the Forestry Administration.

The value of forest products taken from public forest lands, to be paid by the contract or permit holder to the state or municipality, is fixed by the technical commission of the National Forestry Administration, taking into account the location of the land, the quality of the wood, etc., and in accordance with fixed methods.

Felling of timber and other forest workings in unclassified private forest areas may be carried out without prior permission from the National Forestry Administration, but forest owners must, nevertheless, notify the administration in writing in advance of the location, nature and approximate amount of proposed fellings or other workings where ten or more trees a year are affected, and report actual fellings and workings at the end of each working year.

The Forestry Administration may fix minimum diameters for felling and other general rules applicable to both public and private lands.

Industries and centres of work generally utilizing forest products may not be set up in urban or suburban areas where they may be a threat to the health or safety of the community.

Contract or permit holders must employ technical personnel to formulate and execute management plans and operations called for in the contracts, and such technical personnel must make monthly reports on their activities to the National Forestry Administration.

For large-scale forest workings and forest product supply contracts the State will take as a guiding principle that the nation should share in the profits

of the enterprise, and for this reason should hold 51 percent of the capital of the enterprise, contributing its capital in the form of the forest assets themselves, and increase its capital holding when convenient and economically possible.

At the expiration of small- or large-scale forest working permits, the contract holder must hand over to the National Forestry Administration all buildings and equipment used for public services and forest roads in the area of operation, in the conditions called for in the contract.

All forest industries operating or proposing to operate in the country should be inscribed in the Register of Forest Industries and Extractors, and such inscription will be refused where the industry fails to meet certain standards concerning technical personnel, financial resources, etc., or where the operations would be contrary to the public interest. Such refusal may be appealed to the Secretary of State for Natural Resources. All industries and extractors are subject to annual licensing and periodic inspection.

All industries and extractors, once they have recovered their original investment, must begin installing and operating industrial plants for the processing of raw materials. Failure to fulfil this obligation by the end of one year will be sanctioned by a fine of 50 percent of the annual profits of the enterprise.

The formation of forestry cooperatives is to be actively encouraged and in certain cases may be obligatory.

A National Forest Fund is created in order to promote programmes for the recovery, conservation and management of forest areas. The Fund will be financed by annual state allocations, private donations and other sources of income, such as the sale of special stamp issues.

Major offences against the provisions of the Forestry Law are punishable by fines of up to 1 000 lempiras or imprisonment for a medium term, and minor offences, which include any act or omission contrary to any management plans or instructions issued by the Forestry Administration, are punishable administratively by fines and awards of compensation. Where minor offences only are concerned, the testimony and sworn statements of forest officials constitute *prima facie* evidence of the offence.

SOUTH AFRICA. – G.N. No. R.1591: General Regulations under the Forest Act, 1968, as amended. – 8 September 1972. – G.G. No. 3645, 8 September 1972, p. 1. [Extensive provisions.]

XIII/4 – FOREST SERVICE. BUDGET AND FINANCE. PERSONNEL. RESEARCH. PROPAGANDA

GABON. – Ordinance No. 57/71 establishing Gabon National Timber Office. – 2 October 1971. – *Journal officiel de la République gabonaise* No. 23, 1 November 1971, p. 682; together with: Ordinance No. 30/72/PR, completing the above Ordinance, and Decrees Nos. 00433/PR – 0440/PR, implementing these Ordinances. – 11 April 1972. – *Journal officiel de la République gabonaise* No. 10, 15 April 1972, pp. 331-341. [Summary.]

The Gabon National Timber Office is the successor to the Gabon National Committee of the former Timber Office for Equatorial Africa, set up in 1963 by the Republic of Gabon and the Congo.

The office is an association of all growers of Okoume and Ozigo timber, having civil personality and financial autonomy, whose capital is wholly contributed by the growers themselves.

The Office enjoys exclusive rights to purchase, trade in, and export timber of the Okoume and Ozigo species, although controlled exceptions are provided for in favour of certain processing industries relying on Gabonese supplies of raw timber. Even in these cases, the timber must be graded and marked by the Office and is subject to payment of percentage fees and contributions.

The Office is administered by a Director-General and a Board of eight Directors, of whom four are elected by the growers themselves (two by Gabonese growers and two by other growers), and four are appointed as representatives of the Government.

The Chairman of the Board is elected by the Board itself from among the directors elected by the growers, and enjoys a casting vote. Directors are elected for a term of three years.

The Office purchases timber under annual contracts with individual growers, grades and marks the timber, holds it in its depots and prepares it for sale to local processors or for export, and generally organizes and develops the marketing of monopoly timbers. To secure a stable market, the Board of Directors of the Office may, in the event of a crisis deterioration of the market, advise the Minister to adopt quota restrictions or stockpiling measures. Guidelines for the adoption of quota restrictions are given.

The Office maintains a Directorate-General in Paris, charged with maintaining foreign contacts, organizing annual sales programmes and negotiating contracts.

A Timber Production Potential Commission consisting of government officials and growers' representatives is set up to estimate production potential for Okoume each year, and to advise on production quotas where required.

The Office is financed by a revolving fund drawing on bank advances and growers' individual share accounts, the latter being made up from levies on sums due to growers from sales to the Office and payment of a percentage of the "beach" price of timber by industries exempted from the Office monopoly.

Any profits accruing after deductions for running expenses and depreciation may, if so decided by the Board of Directors, be distributed to growers in the form of higher timber purchase prices. Similarly, debits may be recovered by calls on all the individual share accounts.

AUSTRIA. – Order of the Federal Minister of Agriculture and Forestry establishing curricula for University-level Forest Institutes (Forester Schools), etc. – 19 July 1972. – *BGBI.* No. 98, 18 August 1972, text 316, p. 1907. [Curricula appended.]

HUNGARY. – Instruction No. 18/1972-MÉM of the Minister of Agriculture and Food on the establishment of the Wood Advisory Council. – Undated. – MÉM.É. No. 34, 10 August 1972, p. 681. [Entry into force: 10 August 1972. To harmonize forest management and primary wood industry.]

INDIA (West Bengal). – Forests Department Resolutions No. 4228-For. [establishing Divisional and Range Committees to assist and advise the local forest administration in forest management] and No. 4229-For. [establishing Beat Committee in Purulia district]. – 27 June 1972. – C.G. No. 28, 13 July 1972, p. 899-903.

XVI. FISHERIES PRODUCTION

XVI/1 – INTERNATIONAL CONVENTIONS

GERMAN DEMOCRATIC REPUBLIC. – Notification of the entry into force of the Agreement between the Governments of the German Democratic Republic and the Polish People's Republic relative to the granting of fishing rights in the Polish sea-fishing zone to fishing craft of the German Democratic Republic. – 10 April 1972. – *GBL*. I No. 6, 24 April 1972, p. 91. [Text of Agreement appended.]

PANAMA. – Cabinet Decree No. 57 approving ILO Convention No. 126 concerning Accommodation on Board Fishing Vessels. – 26 February 1971. – *G.O.* No. 16.813, 18 March 1971, p. 1. [ILO Convention dated 1 June 1966.]

PERU. – Statutes of the Joint Peru-Soviet Union Commission for collaboration in a fisheries development project. – 27 April 1972. – *El P.* 9323, 10 May 1972, p. 5. [Ocean Research; export services; fellowships; installation construction in Peru.]

PORTUGAL. – Order No. 16/72 providing for the application, in the Overseas Provinces, of the Decree-Law No. 590/70 approving, for ratification, the Convention on the Conservation of Living Resources of the South-East Atlantic, done at Rome on 23 October 1969. – 12 January 1972. – *D.d.G.* No. 9, 12 January 1972, p. 66. [Decree-Law No. 590/70 is dated 28 November 1970.]

SPAIN. – Convention on the High Seas signed at Geneva, 29 April 1958. – Filed for publication: 7 December 1971. – *B.O.E.* No. 309, 27 December 1971, p. 20994. [Together with reference to instrument of accession by Spain, 25 February 1971, with reservations.]

SPAIN. – Convention on Fishing and Conservation of the Living Resources of the High Sea signed at Geneva, 29 April 1958. – Filed for publication: 7 December 1971. – *B.O.E.* No. 309, 27 December 1971, p. 20997. [Spain acceded, subject to special declaration, given here, on 25 February 1971.]

UNITED STATES OF AMERICA. – Agreement on the Regulation of North Pacific Whaling. – 30 July 1971. – *T.I.A.S.* 7188. [Pursuant to International Convention for the Regulation of Whaling, of 2 December 1946, between U.S.A., U.S.S.R. and Japan – open seasons in 1972 for pelagic baleen and sperm whaling. Agreement operative until 31 December 1972.]

XVI/2 – TERRITORIAL WATERS AND BOUNDARY WATERS

ECUADOR. – Supreme Decree No. 1110 authorizing the Minister of Natural Resources to grant, by Order, permits for foreign freezer vessels to operate in Ecuadorian waters. – 27 September 1972. – *R.O.* No. 157, 3 October 1972, p. 5. [Vessels supplying national shore plants are eligible.]

KENYA. – Act No. 2 of 1972: The Territorial Waters Act, 1972 (An Act of Parliament to make provision for the delimitation of the territorial waters of Kenya, and for purposes incidental thereto). – 16 May 1972. – *K.G.* No. 25, Supplement No. 32, 16 May 1972, p. 46. [Territorial waters set at 12 miles.]

MALAYSIA. – Act No. 83 of 1972: The Continental Shelf Act, 1966 (Revised 1972) (An Act relating to continental shelf of Malaysia, the exploration thereof and the exploitation of its natural resources and for matters connected therewith). – Revised up to: 1 June 1972. – *H.M.G.G.* No. 14, Supplement No. 17 (Acts), 13 July 1972. [Basic Act: No. 57 of 1966. “Continental shelf” defined as the sea-bed and subsoil of submarine areas adjacent to the coast of Malaysia but beyond the limits of the territorial waters of the States, the surface of which lies at a depth no greater than two hundred metres below the surface of the sea, or, where the depth of the superadjacent waters admits of the exploitation of the natural resources of the said areas, at any greater depth.]

XVI/3 – GENERAL FISHERIES LEGISLATION. FISHING RIGHTS

MEXICO. – **Federal Act on Fisheries Development** (*Ley Federal para el Fomento de la Pesca*). – 10 May 1972. – *Diario Oficial* No. 20, 25 May 1972, p. 2.

CHAPTER I

GENERAL PROVISIONS

1. This Act implements Article 2 of of the Constitution relative to the regulation, promotion and use of aquatic flora and fauna as natural entities that may be appropriated by man, with a view to achieving an equitable distribution of the national wealth and to securing its conservation. The natural resources in question may be exploited by private individuals or by companies constituted in conformity with the laws of Mexico only by virtue of a concession, permit or authorization issued by the Federal Executive.

This Act concerns:

- I. fisheries;
- II. the protection of aquatic flora and fauna;
- III. resources research and the culture of aquatic species;
- IV. the processing of fisheries products;
- V. the regulation of the home and export markets for fisheries production.

2. This Act shall be a matter of public and social interest. Its implementation shall be a matter of exclusive Federal jurisdiction.

3. Within the meaning of this Act, by fisheries shall be understood the act of extracting or capturing, by any authorized process, those species or biological entities whose environment is water, as well as prior or subsequent acts related therewith.

4. Prior acts shall be those in which the direct purpose is fishing; and subsequent acts shall be those performed directly on species extracted or captured, and shall include processing.

5. This Act regulates and promotes fisheries in:

- I. nationally owned inland waters;
- II. waters of the territorial sea;
- III. extraterritorial waters in the case of vessels flying the Mexican flag;
- IV. exclusive or preferential zones so declared by the federation;
- V. waters overlying the Continental Shelf;
- VI. the Continental Shelf; and
- VII. waters of the high seas.

These matters shall, furthermore, be regulated by the respective laws and international treaties and agreements, made or to be made, in accordance with Article 133 of the Constitution.

6. Fisheries shall be classified as follows:

- I. fishing for domestic consumption purposes;
- II. commercial fisheries;
- III. fishing for scientific research purposes;
- IV. sport fishing;

7. Fishing shall be deemed to be for domestic consumption purposes when it is engaged in on a nonprofit basis and for the purpose of obtaining edible products for subsistence consumption by the person concerned and by the members of his household.

No concession or permit shall be required for fishing for domestic consumption purposes; such fishing, furthermore, may be carried on even in waters covered by a concession, and be exempt from any fiscal dues.

8. Fishing shall be deemed to be commercial whenever it is engaged in by individuals or bodies corporate for the purposes of gain, by fisheries production cooperative societies and *ejido*¹ communities.

¹ *Ed. Note: Ejido: State lands made available to inhabitants of a village for communal or individual enjoyment.*

Ejido communities riparian to bodies of water that engage in fishing activities by reason of the fact that they possess their own fishery resources shall constitute themselves as production units pursuant to the Federal Land Reform Act; and, where such activities are concerned, the provisions of this Act shall apply.

For the working of species reserved to cooperative societies, the said communities shall constitute themselves as *ejido* fisheries production cooperative societies as governed by the Acts referred to in the foregoing paragraph or by the General Act on Cooperative Societies under a system to be coordinated between the Secretariat for Industry and Commerce and the Department of Agrarian Affairs and Land Settlement. Furthermore, they may deal only with agencies or enterprises in which the State is a shareholder for the sale of their fisheries production, save where the said State agencies are unable to purchase such production on the grounds that this does not come within a programme of operations for the area in question, in which case they may deal with private persons as provided for in this Act. In any event, the Federal Government shall be held to provide for the intensification and expansion of the said programmes and to exercise such supervision and to provide such technical assistance as may be required.

9. Fishing shall be deemed to be for scientific research purposes whenever, to the exclusion of gain, its purpose is the study of, experimentation with, and the cultivation and restocking of fishery species.

10. Fishing shall be deemed to be sport fishing whenever, to the exclusion of gain, it is engaged in for recreational purposes and with such gear as the Regulations may determine.

The following species shall be reserved exclusively for sport fishing: marlin, sailfish, shad, dory, dorado and any other species that may be prescribed on the advice of the National Fisheries Institute.

11. Commercial fisheries, pursuant to the Regulations to be issued in their regard, shall be classified into:

- I. inshore, when carried on in inland waters or those of the territorial sea; and
- II. offshore, when carried on in other waters.

CHAPTER II

THE AUTHORITIES

12. The implementation of this Act is the responsibility of:

- I. the President of the United Mexican States;
- II. the Secretariat for Industry and Commerce; and
- III. other appropriate federal authorities.

13. The Federal Executive, acting through the Secretariat for Industry and Commerce, shall be empowered:

- I. to determine reserved areas for cultivation or restocking purposes;
- II. to determine species which it is advisable to protect;
- III. to establish refuge areas or sites for fishery species;
- IV. to establish fishing grounds;
- V. to prescribe, for reasons of public interest, restrictions or limitations on fishing as regards:
 - (a) nationally owned marine areas and inland waters;
 - (b) the number of vessels, gear and other equipment and persons engaged;
 - (c) seasons during which fishing may be carried on;
 - (d) the species that may be fished; and
 - (e) the requirements to be met;
- VI. to regulate fishing in regard to such matters as the number, status and training of persons engaged therein;
- VII. to regulate methods and the use of fishing instruments and gear, and the places where these may be authorized;
- VIII. to determine close seasons and prohibited areas; and
- IX. to determine the minimum size or weights of species or volumes taken.

The provisions referred to in this section shall be justified on technical grounds and those of public interest, and shall be published in the *Diario Oficial* of the Federation.

14. The Federal Executive, acting through the Secretariat for Industry and Commerce, shall have the following powers:

- I. to take an active part, within its field of competence, in the promotion and organization of the fishing fleet;
- II. to promote the provision of harbour areas reserved for the installation of fishing terminals and related activities;
- III. to prescribe measures for the conservation, promotion, and development of the flora and fauna, whether marine, fluvial or lacustrine;
- IV. to carry out technical and scientific research on aquatic flora and fauna, and to promote the establishment of experiment centres and laboratories;
- V. to promote the consumption of fisheries products and to develop facilities for their marketing;
- VI. to promote the establishment of fisheries training centres and institutes;

- VII. to promote the industrial management of fishery resources;
 - VIII. to keep a register of prices of fishery products and byproducts;
 - IX. to regulate the supply of fisheries products intended for human consumption on domestic markets and of raw materials for the national industry;
 - X. to regulate the import and export of species of aquatic flora and fauna pursuant to the relevant laws;
 - XI. to compile a national inventory of species of flora and fauna whose habitat is water; and
 - XII. such other duties as may be prescribed by this Act or other laws and regulations.
- 15.** The National Fisheries Institute shall report to the Secretariat for Industry and Commerce and shall have the following terms of reference:
- I. to carry out technical and scientific research on aquatic flora and fauna;
 - II. to plan and supervise the establishment of areas and laboratories for experimental work;
 - III. to advise on close seasons and areas;
 - IV. to advise on the promotion, culture and any other form of development of aquatic flora and fauna;
 - V. to give technical and scientific opinions; and
 - VI. to collaborate in the study of the water contamination resulting in harm being caused to fishery species.
- 16.** The Secretariat for the Treasury and Public Credit shall, in coordination with the Secretariat for Industry and Commerce, establish forms of tax exemption for fisheries and related industries.
- 17.** The Secretariats for the Marine, for National Defence and for Industry and Commerce shall coordinate in the matter of fisheries supervision in order to secure the due observance of this Act in their respective fields of jurisdiction.
- 18.** Where fish culture districts are concerned, the Secretariat for Water Resources shall coordinate with the Secretariat for Industry and Commerce, as required by their respective fields of jurisdiction.

Where the prevention of water contamination is concerned, the Secretariat for Industry and Commerce shall coordinate with all other appropriate authorities pursuant to the respective legal provisions.

CHAPTER III

THE NATIONAL FISHERIES ADVISORY COMMISSION

19. The National Fisheries Advisory Commission shall consist of a Chairman, who shall be the Secretary for Industry and Commerce; a Vice-Chairman, who shall be the Undersecretary for Fisheries; one representative each of the Secretariats for the Treasury and Public Credit, the Marine, Water Resources, Agriculture, Public Health and Welfare, and the Department of Agrarian Affairs and Land Settlement; one each for the following bodies: National Ports Coordination Commission, Banco Nacional de Fomento Cooperativo, S.A. de C.V., Banco Nacional de Pequeño Comercio, S.A., Compañía Nacional de Subsistencias Populares, Almacenes Nacionales de Depósito, S.A., Productos Pesqueros Mexicanos, S.A. de C.V., Confederación Nacional Cooperativa de la República Mexicana, C.C.L., Confederación Nacional Campesina and the Cámara Nacional de la Industria Pesquera.

Local authorities may, as appropriate, form part of the National Fisheries Advisory Commission if they so request.

The Commission shall elect from among its members a Secretary and a Treasurer; and the remaining persons shall have the capacity of members.

20. The National Fisheries Advisory Commission shall collaborate with the Secretariat for Industry and Commerce and other public authorities and agencies:

- I. in studying the fishing industry in all its aspects, with a view to expanding the said industry for the greater good of the community;
- II. by proposing to the Federal Executive the introduction of laws, the issuing of regulations and other provisions designed to promote fisheries;
- III. by drawing up each year a general programme of work for the development of the fishing industry; and
- IV. by undertaking all activities necessary in order the better to accomplish the aforementioned assignments.

CHAPTER IV

THE NATIONAL FISHERIES REGISTER

21. The Secretariat for Industry and Commerce shall establish and keep up to date, with information obtained and checked by its outposted offices, a National Fisheries Register, in which shall be enrolled:

- I. persons engaging in fishing, whether individuals or bodies corporate, including fisheries production cooperatives, *ejidos* possessing fishery resources or *ejido* fisheries production cooperatives engaging in any activities from catching to marketing and other phases connected with commercial fisheries;
- II. vessels, and boatbuilding and repair yards, subject to their prior registration with the Secretariat for the Marine;
- III. instruments and other fisheries implements and installations;
- IV. establishments given over to scientific research in fisheries, together with their installations;
- V. sport fishing associations; and
- VI. aquaria and installations for cultures intended for the production of fishery species.

The Secretariat for Industry and Commerce shall issue credentials for individuals and registration certificates for bodies corporate.

22. Credentials and registration certificates shall be valid for five solar years, subject to their being stamped each year at the respective Fisheries Offices.

23. Entry and renewal of registration in the National Fisheries Register shall be free of charge. The production of the registration certificate or other evidence shall be required for the grant of any fisheries permit or concession.

24. Removal from the register shall take place, subject to a hearing being afforded the person concerned,

- I. at the request of that person;
- II. in cases of bankruptcy, dissolution or liquidation;
- III. upon withdrawal of the operating authorization in the case of cooperative societies;
- IV. upon loss of Mexican nationality; and
- V. in other cases contemplated in this Act.

CHAPTER V

CONCESSIONS, PERMITS AND AUTHORIZATIONS

25. A concession or permit shall be required for commercial and sports fishing and for the cultivation of species whose normal habitat is water.

A concession shall be granted where, as demonstrated by the technical, economic and social study of the fishery submitted by the applicant and

approved by the Secretariat for Industry and Commerce, the nature of the proposed activities and the level of investment demand a run of not less than two years in order to ensure stability and safety in the conduct of the enterprise. In other cases permits shall be granted.

A concession shall be required in any event,

- I. for the cultivation and development of species whose normal habitat is water. Species reserved to fisheries production cooperative societies shall be cultivated by such societies only; and
- II. for sport fishing associations and clubs.

Decisions regarding the grant of concessions shall be issued within not more than 120 days.

26. The use of Mexican nonself-propelled floating installations auxiliary to shore-based plants may be authorized, provided their industrial operation is carried out in Mexican ports.

Authorization may likewise be given, under the terms and conditions laid down in the Regulations, for the use of Mexican self-propelled floating craft by decentralized authorities, and firms or cooperatives in which the State is a shareholder.

Shrimp boats and boats working fin fish may carry out on board the industrial processing of fauna making up the incidental catch, subject to prior authorization by the Secretariat for Industry and Commerce.

27. Concessions and permits may be granted to:

- I. Mexicans by birth or by nationalization;
- II. fisheries production and *ejido* fisheries production cooperatives;
- III. decentralized authorities or firms in which the State is a shareholder;
- IV. commercial companies satisfying the following requirements:
 - (a) that they are constituted under Mexican law and have their registered office in Mexico;
 - (b) that their share certificates are registered;
 - (c) that not less than 51 percent of the share capital with rights is subscribed by Mexican persons or Mexican companies whose articles of association contain provisions to the effect that shares may not be held by non-Mexican nationals;
 - (d) that the articles of association provide that the majority of the directors shall be nominated by Mexican shareholders and that only persons of Mexican nationality shall be eligible for such nomination.

28. Concessions shall be for a duration of not less than five years and not more than twenty. Upon expiry, the term of the concession may be extended.

29. Permits shall have a duration of two solar years. They may be renewed by the local fishery offices but may not be transferred.

30. Permits may be granted to foreign nationals for sport or scientific fishing provided they comply with the conditions laid down in Article 27(1) of the Constitution, the Basic Act thereof and other pertinent regulations.

Fishing permits for a period in excess of 48 hours shall be validated at the first Mexican port where the craft concerned puts in.

31. No foreign government may be a shareholder in, or establish in its favour, any right in respect of concessions or permits. Any acts in contravention of this provision shall be *ipso facto* null and void, and such assets and rights as the said foreign government may thereby have acquired revert to the Mexican nation.

This provision shall appear in all concessions and permits.

32. In order to obtain a concession, it shall be necessary:

- I. to be registered in the National Fisheries Register; and, where appropriate, the requisites for accomplishing the purpose of the concession shall likewise be registered. The production of evidence of registration with the Secretariat for the Marine shall be required in respect of all vessels;
- II. to have obtained the approval of the Secretariat for Industry and Commerce for the economic and technical study of the fishery, which shall include a plan for the integral exploitation of the products and byproducts of the species concerned;
- III. in the case of the extraction or capture of cultivable species, to undertake such cultivation and cooperate with the appropriate authorities for that purpose. It shall accordingly be necessary to submit the relevant plan;
- IV. to undertake to employ persons registered in the National Fisheries Register;
- V. to deposit such bonds as the Secretariat for Industry and Commerce may determine, and as provided for in this Act;
- VI. in the case of fisheries production cooperatives, that their constitution shall lay down that the President, Secretary and Treasurer of the Board of Governors may not be elected for more than two consecutive terms of any office on the said Board or the Supervisory Committee nor be appointed for similar terms to special committees, and, further, that the number of members of the cooperative shall be not less than 30;

- VII. to pay the fees prescribed in the relevant tables of fees; and
- VIII. to satisfy all other requirements laid down in this Act and other relevant laws and regulations.

33. In order to obtain permits, it shall be necessary to satisfy the requirements set forth under I, IV, V, VI, VII and VIII of the foregoing section.

34. Where several applicants are competing for the grant of concessions or permits for commercial fisheries for the working of fishery species not reserved to cooperatives, in respect of one and the same species in one and the same area, and it is not possible to grant such concessions and permits to all the said applicants by reason of limited resource abundance and conservation requirements, the following order of preference shall apply:

- I. decentralized authorities and firms and cooperatives in which the State is a shareholder;
- II. riparian fishermen associated in organizations;
- III. fisheries production and *ejido* fisheries production cooperatives;
- IV. commercial companies;
- V. individuals.

In the event of competition between applicants of the same group, priority shall be accorded to those that, in the opinion of the Secretariat for Industry and Commerce, offer the best guarantees as to operation.

In the case of fisheries production cooperative societies, and in the case of species reserved to such societies, preference shall be given on the criteria set forth in the foregoing paragraph.

35. Only those species may be marketed that are obtained within the scope of commercial fishery concessions or permits. Any species obtained otherwise shall be confiscated and disposed of as prescribed by the Secretariat for Industry and Commerce, due regard being had to any other penalties that may apply.

36. Any persons marketing species referred to in the foregoing section shall be required:

- I. to satisfy themselves that the said species have been lawfully obtained;
- II. to show the stocks in their possession to the authorized agents of the Secretariat for Industry and Commerce;
- III. upon the coming into effect of any close season, to draw up an inventory, itself to be authenticated by the chief of fisheries of the place or by a person authorized for the purpose by the Secretariat for Industry and Commerce, of stocks held by them at that date.

37. Commercial fishing by foreign vessels in Mexican waters shall be prohibited.

However, the Secretariat for Industry and Commerce may exceptionally grant permits to foreign vessels, on a trip-by-trip basis, if they satisfy the following requirements:

- I. that they leave Mexican waters within the specified time;
- II. that they do not land in the Mexican territory the products taken;
- III. that not less than 50 percent of the crew are of Mexican nationality;
- IV. that the Mexican crew are mustered on Mexican territory, at wages and with benefits equal to those received by the non-Mexican crew whenever these are higher than, or otherwise superior to, those prevailing in Mexico;
- V. that the interested party produces evidence as to the net tonnage capacity of the hold in the form of a certificate of the National Fisheries Register;
- VI. that no commercial fishing is undertaken in the case of sardine, anchovy and species reserved to cooperatives;
- VII. that live sardine is not taken for bait in areas prohibited by the Secretariat for Industry and Commerce;
- VIII. that no commercial fishing is carried on in reserved areas pursuant to this Act; and
- IX. that a cash bond is deposited by way of guaranteeing the fulfilment of the foregoing requirements.

The general prohibition in the case of sport fishing shall be waived.

Contravention of any of the foregoing provisions shall incur forfeiture of the relevant bond to an amount to be determined by the Secretariat for Industry and Commerce, according to the seriousness of the offence, due regard being had to any other penalties that may apply.

38. The following obligations shall be incumbent upon all persons engaging in fisheries:

- I. to take or capture only authorized species in areas authorized by the Secretariat for Industry and Commerce;
- II. to observe the prescriptions of the Secretariat for Industry and Commerce with respect to minimum sizes and weights of species;
- III. to observe the maximum volume that may be worked as specified in the concession or permit;
- IV. to afford assistance to the Secretariat for Industry and Commerce and, as appropriate, the Secretariat of Water Resources, in the operations carried out by either in the reproduction, cultivation and restocking of species;
- V. to admit on board vessels and processing plants inspectors and persons undergoing training in fishing;

- VI. in the case of commercial fishing, to keep a register in which are to be entered in chronological order the volumes caught, the species taken or captured, and the grounds worked;
- VII. to submit returns, annually in the case of concession holders, and for each trip in the case of permit holders, in respect of the integral use of catches;
- VIII. to notify the appropriate Fisheries Office of the arrival and landing of catches;
- IX. to furnish the appropriate authorities any information required pursuant to the relevant laws and regulations;
- X. to allow and facilitate inspection by officers accredited by the appropriate authorities subject to the procedures provided for by the Constitution in order to establish that such persons have complied with their obligations;
- XI. in the case of ocean-going fishing craft, to keep documents and logs prescribed by the laws and regulations; and
- XII. to comply with all other prescriptions of this Act and other relevant laws and regulations.

39. The Secretariat for Industry and Commerce may, in concessions and permits, prescribe general technical procedures to be observed by grantees in fishing.

40. With the exception of those granted to fisheries production cooperative societies, *ejido* fisheries production cooperative societies, and *ejidos* with fishery resources, concessions may be transferred, subject to prior authorization therefor by the Secretariat for Industry and Commerce, if the said concessions meet the following conditions:

- I. that application therefor has been made by the interested parties;
- II. that not less than two years have elapsed since the grant, save in cases of succession;
- III. that the terms of the concession are being observed;
- IV. that the person acquiring the concession demonstrates that he has the legal, technical and economic capacity for the purpose;
- V. that such person undertakes to comply with the terms of the concession; and
- VI. that the conditions laid down in section 27 are met.

Transfers made without the prior authorization of the Secretariat for Industry and Commerce shall be *ipso facto* null and void.

41. The transport of fisheries products within the national territory shall be carried out with Mexican vehicles covered by the Fisheries Logbook to be issued by the Secretariat for Industry and Commerce. An exception

shall be made from the foregoing in respect of permit holders for sport and scientific fishing and fishing for household consumption purposes.

In the event of there being no Mexican vessels suitable for the transport of fisheries, the Secretariat for Industry and Commerce may authorize foreign vessels for that purpose provided they satisfy the requirements laid down by other appropriate authorities. The said foreign vessels shall be subject to the inspection and control referred to in this Act and other relevant laws and regulations.

42. The bonds referred to in this Act required for the grant of concessions shall be proportional to the capital outlay but in any event not more than ten percent of that amount. In the case of permits, the amount of the bond shall not exceed five thousand pesos.

Bonds may be made over in any of the forms provided for in the Federal Fiscal Code.

In the case of permits issued to foreign vessels, the bond shall consist of a cash deposit of not more than one hundred thousand pesos.

43. The Federal Executive is hereby empowered, acting through the Secretariat for Industry and Commerce, to restrict or prohibit, as provided for in Article 131, second Proviso, of the Political Constitution of the United Mexican States, the importation, exportation or transit of fisheries products whenever it deems such restriction or prohibition to be a matter of urgency. The Secretariat for Industry and Commerce shall determine the percentage of such products that the respective concession or permit holder shall set aside in order to ensure sufficient due supplies for the home market.

CHAPTER VI

LAPSE AND WITHDRAWAL OF CONCESSIONS, AND CANCELLATION OF PERMITS AND AUTHORIZATIONS

44. The following shall constitute grounds for lapse of concessions:

- I. failure to initiate working within the established time limit;
- II. failure to initiate investment, construction of works and installations or the purchase of equipment as prescribed;
- III. failure to complete the works and installations by the specified date.

45. The following shall constitute grounds for the withdrawal of concessions:

- I. failure to adhere to the established investment plan;
- II. suspension, without justified cause, of working for more than 30 consecutive days;

- III. the assigning of part or all of the production to purposes other than those specified in the concession, in this Act and in other pertinent laws and regulations;
 - IV. repeated falsification of catch returns;
 - V. the giving of cause for removal from the National Fisheries Register pursuant to section 24 of this Act;
 - VI. failure, without justified cause, to observe the general technical requirements prescribed by the Secretariat for Industry and Commerce within the time laid down for so doing;
 - VII. transfer of the concession, in contravention of the provisions of this Act; and
 - VIII. failure to adhere to the integral working plan referred to in section 32-II.
46. The grounds for withdrawal set forth in IV, V, VI, and VII of the foregoing section shall apply in the case of permits.
47. The following shall constitute grounds for the withdrawal of authorizations granted for the use of Mexican floating installations:
- I. the processing of species other than those provided for and authorized in the integral use plan for fisheries products and by-products;
 - II. the assigning of part or all of the production to purposes other than those specified in the authorization;
 - III. repeated falsification of returns relating to the activity in question;
 - IV. giving cause for removal from the National Fisheries Register pursuant to section 24;
 - V. failure, without justified cause, to observe the general technical conditions prescribed by the Secretariat for Industry and Commerce; and
 - VI. the transferring of the authorization without first obtaining the permission of the Secretariat for Industry and Commerce.
48. In the event of lapse or withdrawal of concessions and the cancellation of permits and authorizations, the parties concerned shall first be accorded a hearing.

CHAPTER VII

FISHERIES PRODUCTION COOPERATIVE SOCIETIES

49. The capture or working of the following species: rock oyster, sea lobster, oyster, shrimp, totoaba, grouper, clam (*almeja pismo*) and turtle, shall

be reserved to fisheries production cooperative societies and *ejido* fisheries production cooperative societies. A concession or permit shall be required for the capture of each of the said species.

50. The provisions of the foregoing section shall not constitute a bar to the granting of permits for the working of the aforesaid species to official fisheries training research establishments. Such permits may also be granted to individuals or bodies corporate whenever the species in question are not worked or there are no fisheries production cooperatives in a given area.

In cases where cooperative societies are formed that meet the relevant requirements, permits granted to individuals or bodies corporate as provided for in this section shall cease to exist upon the expiry of their term.

51. Fisheries production cooperative societies may engage in additional and similar activities subject to the prior authorization of the Secretariat for Industry and Commerce. For the purposes of this Act, they shall be classified into:

- I. inshore fisheries production cooperative societies; and
- II. offshore fisheries production cooperative societies.

52. Inshore cooperative societies shall be those where not less than 80 percent of the membership consists of inshore fishermen, resident in townships bordering on the sea or on inland waters where the cooperatives are themselves established.

Cooperative societies in townships bordering on the sea may extend their activities offshore.

53. Offshore cooperative societies shall be those which are not covered by the foregoing section, where not less than 60 percent of the membership consists of fishermen resident in a township bordering on the sea, provided the cooperative itself is established there.

54. Inshore cooperative societies shall have the following entitlements:

- I. preference in obtaining concessions for stated areas of the Federal Jurisdiction for the cultivation of biological species whose habitat is water; and
- II. the grant of concessions for the exclusive working, or the working with other inshore cooperatives, of a specified fishing area.

In the event of competition between several inshore cooperatives, where it is impossible to grant concessions or permits to all, preference shall be accorded to the cooperative which by reason of its regularity of operation and the amount and type of gear in its possession is best able to undertake the fishery in question.

55. Former trainees of the government fisheries training centres shall be accorded preference for admission to membership of fisheries production cooperatives, following a social and economic study of the cooperative in

question and of the applicants for such membership, carried out by the Secretariat for Industry and Commerce, with a view to ensuring that the said former trainees shall be able to perform duties for which they were trained.

Where admission to such membership is not possible the said former trainees may organize themselves into cooperatives for which authorization shall be granted subject to the requirements laid down in this Act.

Fisheries cooperatives shall be required to train their members.

56. The Secretariat for Industry and Commerce shall be empowered to promote and provide advisory services to fishery production cooperative societies and *ejido* fisheries production cooperative societies with a view to their acquiring the ownership of vessels, canning and other industrial processing plants, fishing gear and other equipment needed by them in the pursuit of their purpose as cooperatives.

57. In those cases where cooperatives do not have the vessels, plants, gear and equipment referred to in the foregoing section they may obtain credit for their purchase. This, however, shall not constitute a bar to their entering into contracts with vessel operators or owners of craft under interim arrangements, in order to have available the facilities necessary for engaging in fishing. The said contracts shall be reviewed every three years.

58. The aforesaid contracts and periodic reviews shall be submitted for clearance to the Secretariat for Industry and Commerce, which shall make known its decision within 30 days, having first heard the respective regional federations of fisheries cooperatives and the Confederación Nacional Cooperativa de la República Mexicana, C.C.L., and, as appropriate, the Confederación Nacional Campesina and the Cámara Nacional de la Industria Pesquera.

The aforesaid federations shall be consulted only if it is laid down in their constitutions that the President, Secretary and Treasurer of the Board of Managers may not be elected for more than two consecutive terms to any office on the said Board of Managers or Supervisory Council, or be appointed for the same term to special committees.

59. It shall be stipulated in the contracts referred to in the foregoing sections that the vessels used in the extraction or capture of reserved species shall be crewed by cooperative members.

60. The Secretariat for Industry and Commerce shall not authorize the aforesaid contracts where they are defective as regards the consent or the representation of the parties or contain clauses in violation of the laws or regulations or if such clauses are clearly unfair to the cooperatives.

61. The Secretariat for Industry and Commerce shall arbitrate in the event of disagreement or conflict arising between the parties as to the interpretation or performance of contract if the said parties agree to such arbitration.

62. Cooperatives may freely enter into all necessary contracts for the preparation, production and marketing of fisheries products but may submit them for the prior approval of the Secretariat for Industry and Commerce in order that the said Secretariat may act in order to prevent such contracts operating in a manner that is unfair or otherwise harmful to their interests.

63. In any event, established cooperatives shall be required to constitute with a portion of their gross income the capital necessary for the purchase of assets for the accomplishment of their objectives. They shall likewise be required to ensure that profits and their distribution shall be just and equitable, and to that end call in the supervision of the Secretariat for Industry and Commerce.

64. The obligations referred to in sections 57 to 63 shall be embodied in the statutes of the societies in question and shall be an essential condition for their functioning and engaging in activities.

65. *Ejido* fisheries production cooperatives shall enter into the contracts referred to in this Chapter with state enterprises or those in which the State is a shareholder. The Secretariat for Industry and Commerce and the Department of Agrarian Affairs and Land Settlement shall afford cooperatives the advisory services they may require for this purpose.

66. Fisheries production cooperatives shall carry on fishing exclusively with the personal labour of their members, save as provided for in section 62 of the General Act on Cooperative Societies, in which case the workers they employ shall receive the same benefits as their own members.

67. The following shall constitute grounds for the suspension of fishery concessions or permits granted to fisheries production cooperative societies and *ejido* fisheries production cooperative societies:

- I. failure to keep the society's books, including account books, up to date;
- II. failure to hold assemblies when these have been convened for the second time by the Secretariat for Industry and Commerce pursuant to the General Act on Cooperative Societies;
- III. failure to submit contracts referred to in section 58 to the Secretariat for Industry and Commerce for approval;
- IV. nonperformance of the contracts entered into by the cooperative societies and approved by the Secretariat for Industry and Commerce.

Upon cessation of the grounds for suspension, the Secretariat for Industry and Commerce shall declare the said suspension to be revoked.

68. The following, in addition to those provided for in sections 44, 45 and 46, shall constitute grounds for the withdrawal of concessions and cancel-

lation of fishery permits granted to fisheries production cooperative societies and *ejido* fisheries production cooperative societies:

- I. the making out of documentation intended to cover species not in fact worked by the cooperative in question;
- II. the transfer of any rights arising out of the concession or permit granted to them; and
- III. the pursuit of objectives incompatible with those of the society.

69. The State may, with a view to promoting fisheries development and whenever it deems it to be suitable to do so, organize cooperatives in which it is itself a shareholder; and such cooperatives shall have the same privileges as those accorded to cooperatives in general and those granted by sections 26 and 34 of this Act.

CHAPTER VIII

FISHERY SPECIES

70. It shall be the province of the Secretariats for Industry and Commerce and for Water Resources to regulate the promotion, development, restocking, cultivation, operation and control of biological species whose normal habitat is water.

71. Species reserved to fisheries production cooperative societies may be cultivated only by such societies and by training and research centres. Varieties not encountered in natural conditions in Mexico may be cultivated under concession.

The cultivation referred to in this section shall be carried on in conformity with development and use plans approved by the Secretariat for Industry and Commerce.

72. Holders of concessions for the cultivation of fishery species shall be required, in addition to the obligations provided for in section 38, to notify the Secretariat for Industry and Commerce regarding the methods or techniques they use or propose to use therefor.

CHAPTER IX

NATIONAL FISHERIES COOPERATIVE DEVELOPMENT FUND

73. Any trust fund that the Secretariat for the Treasury and Public Credit was authorized to constitute by section 20 of the Fisheries Taxation and Dues Act shall be increased by 50 percent, as follows:

- I. by means of 50 percent of such fines as are paid in connexion with offences and as imposed pursuant to this Act;
- II. by means of aids granted by the Federal Government;
- III. by means of the surplus accruing to the fund in question in the respective financial year;
- IV. by means of financing obtained by the Technical Committee as authorized by the Secretariat for the Treasury and Public Credit; and
- V. by means of any donations that may be made to it.

74. The trust fund shall make available credit for current production and credit for special purposes, secured on the equipment and the products, to fisheries production cooperative societies with a view to promoting and developing fisheries; and it may purchase on its own account vessels, canning plant, fishing gear or any other equipment necessary for activities additional and similar thereto.

75. The Technical and Investment Committee of the Trust Fund shall consist of a Chairman, who shall be the Secretary for Industry and Commerce; a first Vice-Chairman, who shall be the Undersecretary for Credit of the Secretariat for Treasury and Public Credit; a second Vice-Chairman, who shall be the Undersecretary for Fisheries of the Secretariat for Industry and Commerce; a Secretary, to be nominated by the Confederación Nacional Cooperativa de la República Mexicana, C.C.L.; one member nominated by the Secretariat for the Marine; one nominated by the Secretariat for Water Resources; one nominated by the Confederación Nacional Campesina and one nominated by the Banco Nacional de Fomento Cooperativo, S.A. de C.V. The Committee shall meet not less than once a month.

The Committee shall be empowered to decide on the granting of loans, to supervise the management of such loans and their recovery or extension, in the last-mentioned two cases, having heard the trustee.

76. The Secretariat for the Treasury and Public Credit shall have all powers and entitlement of the founder of the trust, including those of supervising, of requiring accounts and of prescribing general rules in respect of the trust fund. The Banco Nacional de Fomento Cooperativo, S.A. de C.V., shall be the institute appointed as trustee.

77. Any contract in respect of trust funds shall be governed, basically, by the following rules:

- I. loans shall be granted in conformity with the General Act on Securities and Credit Operations, and shall be guaranteed as provided for in that Act;
- II. the trustee shall be required to examine and inquire into the truth of requests, economic plans and the solvency of cooperatives applying for loans, to propose to the Technical and Investment Com-

mittee the terms and conditions by which the respective loan operation shall be governed and notify the said committee immediately upon receipt of any request for a loan;

- III. interest on loans shall be determined by the Secretariat for the Treasury and Public Credit;
- IV. cooperative societies may not encumber or alienate assets assigned as security until all loans in respect of which they were so assigned have been settled; and
- V. the founder of the trust shall forward each month to the trustee institute a report on taxes paid by the fisheries production cooperative societies in order that the trustee may duly record such taxes and establish the overall status of the fund showing a breakdown in terms of the individual cooperatives.

CHAPTER X

OFFENCES

78. The following shall be offences:

- I. to engage in commercial fishing, scientific research or sport fishing without the relevant concession or permit;
- II. to remove or capture species in respect of which a close season has been declared;
- III. to make use of prohibited instruments, gear or methods of fishing;
- IV. to gather, keep or market nests or eggs of fishery species without the authorization of the Secretariat for Industry and Commerce; or to destroy such nests or eggs;
- V. to capture or extract animals of a smaller size or weight than that prescribed by the Secretariat for Industry and Commerce;
- VI. to capture, without authorization therefor, species reserved for sport fishing;
- VII. to extract, capture or destroy fishery species in areas or at sites given over as refuges or to cultivate or to interfere with the ecology of such areas and sites;
- VIII. to have on board vessels intended for fishing any prohibited instruments or fishing gear, explosives or contaminant substances;
- IX. to install fixed fishing gear or to erect works in water under Federal jurisdiction without the authorization of the Secretariat for Industry and Commerce or of the Secretariat for Water Resources;
- X. to employ methods of extraction or capture that have not been authorized by the Secretariat for Industry and Commerce;
- XI. to trade in the products of domestic, sport or scientific fishing;

- XII. to introduce into waters under Federal jurisdiction without the authorization of the Secretariat for Industry and Commerce or of the Secretariat for Water Resources animal or plant species whose normal living or development environment is water;
 - XIII. to abandon fishery species or waste on beaches or banks;
 - XIV. to export or import fishery products without the permission of the Secretariat for Industry and Commerce;
 - XV. to set up floating plant for the processing of fishery products without the authorization of the Secretariat for Industry and Commerce;
 - XVI. to manufacture fertilizer, meal, oil or other industrial products from fishery species without the authorization of the Secretariat for Industry and Commerce;
 - XVII. to encompass the death, degeneration or wounding of fishery species, save in cases of authorized extraction or capture or of scientific research;
 - XVIII. to violate the restrictions or limitations laid down in section 13-V;
 - XIX. to transship fishery products to any other vessel without the authorization of the Secretariat for Industry and Commerce, save in the event of an accident;
 - XX. to land commercial fishery products from foreign vessels without the authorization of the Secretariat for Industry and Commerce, save in the event of an accident;
 - XXI. to be in possession of, or to purchase, fishery products with a view to trading therein or to processing them without complying with the provisions of section 36-I; and
 - XXII. other cases of failure to comply with this Act, as specified in Chapter XII.
79. The contamination of water shall be governed by the provisions of the Federal Act on the Prevention and Control of Environmental Contamination.

CHAPTER XI

INSPECTION AND SUPERVISION

80. The Secretariat for Industry and Commerce shall establish control, inspection and supervision services with a view to ascertaining conformity with the provisions of this Act, by the following means:

- I. demanding returns and any other information;
- II. carrying out administrative inspections, and
- III. carrying out on-the-spot checks.

81. All persons affected by the provisions of this Act who are required by the Secretariat for Industry and Commerce to furnish returns and other information shall do so within the stated time, which shall be not less than eight working days from the date of notification, irrespective of any other information they are required by law to furnish.

82. By administrative inspections shall be understood those conducted, in accordance with the Constitutional procedures, at establishments given over to fisheries, for the purpose of ascertaining observance of this Act and regulations thereunder. To that end the production of books and other documentary material having to do with fisheries may be demanded.

83. By on-the-spot checks shall be understood inspections of fishing instruments and gear, vessels, vehicles, storage premises, installations and sales premises connected with fisheries.

84. Administrative inspections and on-the-spot checks shall be carried out on working days and during working hours, and as prescribed in the Federal Code of Civil Procedure. The Secretariat for Industry and Commerce may authorize such inspections on nonworking days and during nonworking hours in those cases where, if they are not conducted at such times, any failure to observe the Act or the regulations thereunder may escape detection.

85. The officials assigned duties of administrative inspections and on-the-spot checks shall respect constitutional procedures and shall first identify themselves in order to gain access to vessels, installations, processing plants, plants for the cultivation of fishery species, warehouses, centres for storage and distribution, sales premises, transport vehicles and, in general, any premises where fisheries products and fishing instruments and gear are to be found.

86. A report shall be drawn up on the inspection in the presence of two witnesses named by the interested party or his representative; and, in the absence of either such party or his representative or in the event of refusal to name the said witnesses, the appointment shall be made by the authorities.

The aforesaid report shall contain the name and signature of those persons who have contributed to its making. In the event of the person who had agreed thereto refusing to sign, this circumstance, which shall not affect the validity of the report, shall be recorded and a copy of the report shall be handed to the person concerned.

87. The staff of the Secretariat for Industry and Commerce assigned duties of supervision over fishery activities may resort to only those procedures that are authorized by this Act and other provisions enacted for its enforcement.

CHAPTER XII

PENALTIES

88. Offences under the provisions of this Act shall be punished by the Secretariat for Industry and Commerce as set forth in the following sections:

89. Fines shall be payable thus:

- I. 50 – 1 000 pesos for each offence under sections 21, 32-III, 38-V and VI, 81 and 83;
- II. 1 000 – 5 000 pesos for each offence under sections 36-II and III, 38-I, II, IV, VII and VIII, 41, 66, 71 and 78-I, V, VII and X;
- III. 5 000 – 10 000 pesos for each offence under sections 24, 38-III, 68-I, II and III, and 78-XX;
- IV. 10 000 – 25 000 pesos for each offence under sections 37, 40, 41 and 78-IV, VI, XIV and XV; and
- V. 100 000 – 200 000 pesos for each offence under section 78-VIII, XI, XII, XIII, XVIII, XIX and XXI, and for any other violation of the provisions of this Act.

90. In cases of other than the first offence, the amount of the fine shall be doubled.

By other than the first offence shall be understood the repetition of the same act if the said act entails the violation of one and the same provision.

91. In addition to the fines provided for in section 89, one or more of the following penalties may be imposed at the same time:

- I. seizure of the fisheries products, means of transport, fishing instruments and gear, for offences under sections 38-I, 41 and 69-VI, VII, VIII and XIX;
- II. temporary closure for up to 30 days for offences under sections 25-I, 36-II and III and 78-VI, XIV, XV and XVI.
For other than first offences permanent closure may be declared;
- III. withdrawal of concessions or cancellation of permits for offences under sections 38-III and 78-VI, VII and X.

92. Failure to comply with orders or rulings made by the Secretariat for Industry and Commerce pursuant to section 43 shall be punished with a fine of from 5 000 to 100 000 pesos, seizure of the fisheries products, temporary or permanent closure, withdrawal of concessions or cancellation of permits.

Likewise, offences under section 78-II, III, IV, IX and XVII shall be punished with a fine of from 2 000 to 50 000 pesos, seizure of instruments and prod-

ucts obtained, temporary or permanent closure, withdrawal of concessions or cancellation of permits.

93. Fishing in territorial waters and exclusive fishery zones by foreign vessels not in possession of the relevant permit shall incur a fine of from 75 000 to 300 000 pesos and the seizure of the fishing gear and the species held.

The said vessels shall be detained in a Mexican port until the fine has been paid.

94. For the purposes of imposing fines and determining the amount thereof the economic condition of the offender and the seriousness of the offence shall be taken into account.

95. Seized goods shall be disposed of as follows:

- I. species obtained during close seasons shall be made over to welfare institutions or incinerated;
- II. species not covered by I. above may be given to the said institutions or sold by auction by the appropriate authorities; while
- III. prohibited fishing instruments and gear shall be destroyed unless they can be converted to lawful use; and those not prohibited and those so converted, together with means of transport shall be made over preferably to fisheries training purposes or sold by auction.

CHAPTER XIII

ADMINISTRATIVE APPEAL

96. Appeal against decisions made pursuant to this Act may be filed within 15 working days following the date of notification.

Any appeal made to the Secretary for Industry and Commerce shall be lodged with the Secretariat for Industry and Commerce or Federal agencies thereof or the District Fisheries Offices which issued the decision appealed against.

97. In those cases where the appeal is not filed in the name of the person affected by the decision, it shall be made in the name of the person actually filing it as prescribed in the Civil Code for the Federal District and Territories concerning matters common to them and the entire Republic in federal matters. No appeal shall be receivable that is not filed in the name of the signatory or of his legal representative.

98. During the hearing only that evidence may be submitted which has a bearing on the facts contested.

99. In the event of evidence being produced that merits full examination, the appellant shall be allowed a period of not less than eight nor more than

thirty working days for the purpose. Upon expiry of the period thus allowed, the Secretariat shall issue the relevant decision within the next 30 working days.

100. The filing of an appeal shall have the effect of staying the execution of the decision appealed against as regards the payment of fines or the seizure of perishable products, provided security for the amount value thereof be deposited with the relevant collecting office pursuant to the Fiscal Code of the Federation.

101. In the case of decisions not entailing the payment of fines or the seizure of perishable products, stay of execution shall be declared by the appropriate authority, subject to the following conditions:

- I. that stay of execution is requested by the person concerned;
- II. that no harm accrues thereby to the interests of the community, or any contravention of the public order regulations pursuant to the Act for the Protection of Civil Rights (*Ley de Amparo*), providing for the implementation of sections 103 and 107 of the Political Constitution of the United Mexican States; and
- III. that the loss and damage suffered by the appellant by the execution of the decision are difficult to repair.

In cases where a stay of execution is in order but loss or damage is sustained by the nation's fishery resources, such stay of execution shall be allowed provided the appellant offers sufficient security for making good the loss and providing compensation for the damage that would arise in the event of his failing to obtain a favourable ruling on his appeal. The amount of the security shall be determined at the discretion of the Secretariat for Industry and Commerce in those cases where loss and damage cannot be assessed in money terms.

In cases not covered by the foregoing, the Act for the Protection of Civil Rights, providing for the implementation of sections 103 and 107 of the Political Constitution of the United Mexican States, shall apply.

TRANSITIONAL PROVISIONS

One. This Act shall enter into force fifteen days following the date of publication in the *Diario Oficial* of the Federation.

Two – Five. [Omitted.]

Six. The Fisheries Act of the United Mexican States of 16 January 1950, as amended, and any laws or regulations in conflict with the present Act are hereby repealed.

GABON. – Ordinance No. 63/72 regulating fishing. – 29 August 1972. – *J.O.R.G.* No. 29, 11 September 1972, p. 1. [Fishing licences, fees; prohibition on use of explosives or any substance dangerous to the life of fish, crustaceans and shellfish; fishing gear; maintenance, penalties.]

ITALY. – Ministerial Decree: Text of the Regulations issued for the implementation of the provisions in respect of the supervision and ascertaining of violations of the sea fishing regulations. – 28 August 1972. – *G.U.* No. 284, 31 October 1972, p. 7220. [Pursuant to Act No. 963 of 14 July 1965.]

NORWAY. – Act No. 57 to regulate participation in fishing. – 16 June 1972. – *N.L.* No. 20, 25 July 1972, p. 799. [Extensive legislation.]

XVI/4 – FISHING CRAFT AND EQUIPMENT

SPAIN. – Order of the Presidency of the Government relative to the financing of credit for the construction and renewal of the fishing fleet. – 31 July 1972. – *B.O.E.* No. 184, 2 August 1972, p. 13930. [Provision for a 4-year period 1972-75 in the light of the Third National Development Plan (Act No. 22/1972 of 10 May 1972).]

XVI/5 – SPECIAL REGULATIONS AFFECTING FISHERIES

SPAIN. – Order of the Ministry of Commerce: Regulations governing the harvesting, industrial processing and marketing of seaweeds. – 20 June 1972. – *Boletín Oficial del Estado* No. 157, 1 July 1972, p. 11820. [Summary.]

Commercial processing and marketing of seaweed are open to all persons of Spanish nationality, subject to compliance with the present Regulations and general controls over fishing.

Harvesting of floating masses of seaweed or living seaweed exposed by the sea at low tide (described as “argazos”) requires no authorization as long as it is done by hand, with the aid of encircling surface nets or rakes no longer than 2 metres.

Seaweed that is not exposed at low tide may be collected only by certified divers, licensed to collect seaweed, under contract to a processing industry. Each boat must be authorized on a monthly basis by the marine authorities who will record its take on a daily basis. The collection of this type of seaweed is limited to prescribed seasons and to the hours of daylight; certain added restrictions are placed on the harvesting of laminaria and red seaweed.

The Order prescribes the safety measures to be followed during submarine collection operations.

Permits for processing and marketing seaweed may be granted by the Minister of Commerce to persons or organizations meeting certain require-

ments as to processing and production potential. Applications are published in the Official Gazette and opportunity given for objection from the public. Permits may be issued for periods of 10 years, renewable up to a total of 99 years. Normally, no limitations are placed on the amounts of floating seaweed or seaweed exposed at low tide that can be collected. Restrictions as to amounts and areas of collection of other types of seaweed are fixed annually by the Department of Marine Fisheries.

The cultivation of seaweed is encouraged provided that it does not prejudice the development of fisheries.

An Advisory Council is set up in the Department of Marine Fisheries composed of representatives from the Departments of Chemical Industries and Marine Fisheries, the National Fisheries Association, the National Association of Chemical Industries and the Spanish Institute of Oceanography, to report on the interpretation and practical application of these regulations.

CANADA. – SOR/72-419. Fisheries Act. Sanitary Control of Shellfish Fisheries Regulations. – 5 October 1972. – *C.G.* II No. 20, 25 October 1972, p. 1831. [In substitution for 1954 Regulations.]

NORWAY. – Crown Resolution amending the Regulations for taking of whale and sperm whale, etc. – 15 October 1971. – *N.L.* No. 32, 12 November 1971, p. 1347. [Amends Regulations of 23 September 1949. Concerns, *inter alia*, inspectors attached to seagoing and shore factories, minimum sizes and maximum catch for stated species.]

XVI/6 – NAVIGATION AND HARBOURS. POLLUTION OF THE SEA

DENMARK. – Ordinance prohibiting dumping from ships of certain materials. – 18 January 1972. – *Lovtidende A* No. II, 1 February 1972, text 19, p. 25. – [Summary.]

The Ordinance prohibits deliberate dumping from Danish ships at sea and from all ships in Danish territorial waters, of (a) substances liable to have harmful effects on marine fauna or flora, including, in particular, persistent organo-halogen compounds and compounds of poisonous metals, and (b) any materials that may seriously inconvenience shipping, fishing, or other lawful uses of the sea; the Minister may, on application, grant a permit allowing dumping of certain of the substances referred to in (a) above. Examples of substances and materials covered by the Ordinance are given in schedules to the Ordinance.

Schedule I lists examples of substances for which dumping permits will not normally be granted, including persistent substances harmful to the environ-

ment, capable of concentration in plants and animals, such as halogenated hydrocarbons, cresols, naphthylamines and silicones; metals, such as mercury and cadmium and their compounds, and plastics, fishing tackle, cordage and packing materials of very low degradability that may seriously inconvenience shipping, fishing and other lawful uses of the sea.

Schedule II lists examples of substances for which dumping permits may in certain circumstances be granted. These include certain strongly poisonous elements and their compounds, such as antimony, arsenic, beryllium, lead, copper, cobalt, chromium, nickel, selenium, thallium, tin, titanium, vanadium, zinc, cyanides, and certain alkaloids, such as strychnine, brucine and LSD.

DENMARK. – Act on measures for the control of pollution of the sea by substances other than oil (*Law om foranstaltninger mod forurening af havet med andet end olie*). – 7 June 1972. – *Lovtidende A* No. XXVIII, 11 July 1972, text 290, p. 593.

1. In this Act, by “dumping” shall be understood any disposal of substances or materials by discharging, emptying or sinking in the sea from or in connexion with ships, aircraft and other seagoing or airborne means of transport and floating or fixed platforms:

Provided that dumping shall not be deemed to include:

- 1) the discharge of substances or materials arising from the normal operation of means of transport, platforms or the equipment thereof, or
- 2) the depositing in the sea of substances or materials if they are so deposited for purposes other than their disposal.

2. This Act shall apply to the following means of transport and platforms:

- 1) means of transport owned by Danish nationals or which are to be found in or above Danish territorial waters, and
- 2) platforms owned by Danish nationals or which are to be found in Danish territorial waters or within the Danish continental shelf area.

3. It shall be prohibited to dump substances or materials:

- 1) within Danish territorial waters, and
- 2) within those parts of the Atlantic Ocean and the Arctic Sea and other waters, including port areas, lying to the north of 36° north latitude and between 42° west longitude and 51° east longitude, except for the Mediterranean sea, together with its adjacent waters, as far as the point of intersection between 36° north latitude and 5°36' west longitude, and
- 3) within that part of the Atlantic Ocean lying to the north of 39° north latitude and between 44° and 42° west longitude.

4. In other sea areas it shall be prohibited to dump the substances or materials listed in Schedules 1 and 2.

5. (1) The Minister for the Control of Pollution or any person he may authorize for that purpose may issue permits authorizing dumping notwithstanding the prohibitions set forth in Sections 3 and 4. Permits for dumping outside Danish territorial waters may also be granted by the competent authority in any country that has acceded to the International Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft¹.

(2) Permits for the dumping of substances or materials listed in Schedule 1 or Schedule 2 may be granted in specific, actual cases and, where substances or materials listed in Schedule 1 are concerned, in highly exceptional circumstances only. Permits for the dumping of substances or materials not listed in the Schedules to this Act or of waste that contains only negligible amounts of the substances or materials referred to in Schedule 2 may be granted without limitations as to time or frequency of dumpings, or as to the amounts involved.

(3) Permits for the dumping of waste which may contain small amounts of substances or materials referred to in Schedule 1 may be granted even where there are no special circumstances, provided the said substances or materials have not been added to such waste for the purpose of disposal.

6. The prohibitions provided for in Sections 3 and 4 shall not apply to dumping carried out in order to save human life or for the safety of the means of transport or platform in question.

7. It shall be prohibited within the realm to deliver for transport, to transport or to load any substances or materials for the purpose of dumping them. This prohibition, however, shall not apply in those cases where a dumping permit is in force or if the substances or materials in question are not listed in Schedule 1 or Schedule 2 and are intended for dumping outside the area referred to in Section 3.

8. (1) Owners, users or operators of means of transport and owners or users of platforms shall report to the Minister for the Control of Pollution, or to such other authority as the Minister may appoint, any dumping operation they have carried out for which a permit is required, or which is carried out pursuant to Section 6. The report shall be submitted within one week of the dumping.

(2) The said report shall contain information on:

1) the time and place of the dumping;

¹ *Ed. Note:* The Convention was signed in Oslo, on 15 February 1972, by Belgium, Denmark, Finland, France, Federal Republic of Germany, Iceland, Netherlands, Norway, Portugal, Spain, Sweden and United Kingdom. For the English text of the Convention, see *International Legal Materials*, The American Society of International Law, Vol. XI, No. 2, March 1972, p. 262.

- 2) the kind and volume of the substances or materials so dumped;
- 3) the manner in which the dumping was carried out;
- 4) the authority that granted the permit; and
- 5) the date of the permit.

(3) If the dumping operation was carried out pursuant to Section 6, the report shall contain information on the reasons therefor, and on the circumstances that rendered the dumping operation necessary.

9. (1) The police, the armed forces and the fisheries control authority shall be responsible for ensuring that the provisions of this Act and any regulations that may be issued pursuant thereto are observed.

(2) In the performance of control duties, the armed forces and the fisheries control authority shall be deemed to exercise police powers.

(3) Where foreign seagoing means of transport are concerned, such police powers may be exercised only if the infringement of the provisions of this Act and the regulations issued pursuant thereto has been committed, or is presumed to have been committed, within Danish territorial limits.

10. (1) The Minister for the Control of Pollution may lay down rules for the control of dumping of other substances or materials than those referred to in Schedules 1 and 2 outside the areas specified in Section 3, 1) and 2), or prescribe different rules for dumping outside these areas.

(2) The Minister may, furthermore, make amendments to Schedules 1 and 2.

11. The Minister for the Control of Pollution may, upon the proposal of the council referred to in Section 9 of the Act on Measures for Control of the Pollution of the Sea by Oil, issue regulations prohibiting the discharge or emptying into the sea, from the means of transport and platforms referred to in Section 2, of substances or materials originating in the normal operation of such means of transport, platforms or the equipment thereof.

12. (1) Offences under Sections 3, 4, 7 and 8 shall be punished by fine, detention or, under aggravating circumstances, imprisonment for up to one year.

(2) Regulations issued in pursuance to Sections 10 (1) and 11 may provide for punishment by either fine or detention, or both such fine and detention, or, under aggravating circumstances, imprisonment for up to one year for offences under such regulations.

(3) In the case of offences committed by joint-stock companies, cooperative societies and the like, fines may be imposed on the company as such.

(4) Cases shall be dealt with by the Magistrates courts. The means of justice provided for in the Act on the Administration of Justice, Chapters

68, 69, 71 and 72, may apply to the same extent as in Public Prosecutor's cases.

13. The date for the entry into force of this Act shall be determined by the Minister for the Control of Pollution.

14. This Act shall not apply to the Faroe Islands. It may, however, be brought into force for those islands by Royal Ordinance.

SCHEDULE 1

SUBSTANCES AND MATERIALS FOR WHICH PERMITS FOR DUMPING MAY BE EXPECTED TO BE GRANTED ONLY UNDER HIGHLY EXCEPTIONAL CIRCUMSTANCES

1. Organo-halogens and substances which may form such compounds in the marine environment, but not substances which are nontoxic or are transformed sufficiently quickly in the sea into substances that are biologically harmless.
2. Organo-silicones and substances which may form such compounds in the marine environment, but not substances which are nontoxic or are transformed sufficiently quickly in the sea into substances which are biologically harmless.
3. Those further substances specified by the Minister for the Control of Pollution which, following dumping in the sea, may be presumed to be carcinogenic.
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Nondegradable plastic materials and other nondegradable synthetic materials which may float in the sea, and which may constitute a serious inconvenience for fishing or shipping or impair the recreational value of the sea.

SCHEDULE 2

SUBSTANCES AND MATERIALS FOR WHICH PERMITS FOR DUMPING MAY BE EXPECTED TO BE GRANTED ONLY IN SPECIFIC, ACTUAL CASES

1. Arsenic, lead, copper, zinc and their compounds, cyanides and fluorides, as well as pesticides and their by-products which are not listed in Schedule 1.
2. Substances which may produce such offensive taste in fish, shellfish and molluscs as to reduce their commercial value.

3. Containers, metal waste, bituminous substances which may sink to the bottom, and other bulky waste which may present serious inconveniences for fishing and shipping.

4. Substances which, while not poisonous *per se*, may cause harm to the marine environment by reason of the large amounts in which they are dumped or which to an appreciable extent are likely to impair the recreational value of the sea.

AUSTRALIA (Commonwealth). – Act No. 131 of 1972: Pollution of the Sea by Oil Act 1972 (An Act relating to the Prevention of the Pollution of the Sea by Oil). – 2 November 1972. – *Commonwealth of Australia Acts* 1972, No. 131. [Extensive amendment of the Principal Act (No. 4 of 1965). Adds Fourth Schedule relative to amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954.]

AUSTRALIA (Commonwealth). – Act No. 132 of 1972: Pollution of the Sea by Oil (Shipping Levy) Act 1972 (An Act to impose a Levy in respect of certain Ships in Australian ports with Oil on board). – 2 November 1972. – *Commonwealth of Australia Acts* 1972, No. 132.]

CANADA. – SOR/72-426. Arctic Waters Pollution Prevention Act. – Arctic Shipping Pollution Prevention Regulations. – 5 October 1972. – *C.G.* II No. 20, 25 October 1972, p. 1847. [Comprehensive regulations.]

NORWAY. – Ordinance relative to the dumping of substances which will have harmful effects on marine life and on human health. – 14 July 1972. – *N.L.* No. 24, 15 August 1972, p. 969. [Extensive provisions.]

SYRIAN ARAB REPUBLIC. – Act No. 10 relative to the pollution of Syrian Arab regional waters and of adjacent international waters. – 26 March 1972. – *R.L.* No. 4, April 1972, p. 42. [Basic provisions. Chapter I – Definitions; II – Pollution Control; Penalties and Damage; III – Miscellaneous and final provisions.]

UNITED STATES OF AMERICA. – Code of Federal Regulations, Title 40 – Protection of environment. Chapter I, Part 140 – Marine Sanitation Device Standard. – 20 June 1972. – *F.R.* Vol. 37, No. 122, 23 June 1972, p. 12391. [New Part – Standards of performance for such devices promulgated.]

XVII. FISH HANDLING, PROCESSING AND DISTRIBUTION

XVII/4 – STANDARDS FOR FISH AND FISHERIES PRODUCTS

PERU. – See under XVIII/1.

CANADA. – SOR/72-358. Fish Inspection Act. Fish Inspection Regulations: Amendment. - 29 August 1972. - *C.G.* II No. 18, 27 September 1972, p. 1652. [Amendment concerning oysters.]

CANADA. – SOR/72-419: See under XVI/5.

ECUADOR. – Order No. 11043: Regulations for the Control of the Production of Canned Fishery Products. - 21 August 1972. - *R.O.* No. 134, 31 August 1972, p. 8.

SPAIN. – Order of the Ministry of Commerce relative to commercial quality standards applicable to foreign trade in sardines. - 7 August 1972. - *B.O.E.* No. 192, 11 August 1972, p. 14702.

UNITED STATES OF AMERICA. – Code of Federal Regulations, Title 50 - Wildlife and Fisheries. Chapter II, Part 261 - U.S. Standards for grades of frozen fried fish sticks *and* Part 276 - U.S. standards for grades of frozen fried fish portions. § 261.1/276.1 - Description of the product [revised]; § 261.2/276.2 - Composition of the product [new]; § 261.21/276.21 - Definitions [revised]; § 261.22/276.22 - Use of alternate methods for determining fish flesh content [new]. - 15 May 1972. - *F.R.* Vol. 37, No. 101, 24 May 1972, p. 10502.

UNITED STATES OF AMERICA. – Code of Federal Regulations, Title 21 - Food and Drugs. Chapter I, Subchapter B, Part 37 - Fish. § 37.10 - Canned Pacific salmon; identity. § 37.12 - Canned Pacific salmon, fill of container; label statement of sub-standard fill. - 31 August 1972. - *F.R.* Vol. 37, No. 175, 8 September 1972, p. 18194. [Two new Sections.]

XVIII. FISHERIES – ADMINISTRATIVE, ECONOMIC AND SOCIAL ASPECTS

XVIII/1 – ORGANIZATION OF PUBLIC ADMINISTRATION

PERU. – Decree-Law No. 18829: Basic Act on the Peruvian Public Corporation for Fisheries Certification. – 13 April 1971. – *El Peruano* No. 9000, 14 April 1971, p. 6; *together with: Supreme Decree No. 016-72-PE approving the Regulations made under the Basic Act.* – 30 June 1972. – *El Peruano* No. 9374, 10 July 1972, p. 6. [Summary.]

The Public Corporation for Fisheries Certification (CERPER) was established by Decree-Law. No.18745 of 1971.

CERPER is a public body having legal personality under public law and enjoying administrative, economic and technical autonomy. Its functions are, *inter alia*, to provide and apply a system of quality, hygiene, sanitary and quantity control and certification over all aquatic products marketed in the country and abroad, to control conditions of storage, processing, transport and distribution, to give advice and assistance, where needed, in these fields, and to recommended regulations and the establishment of uniform standards.

The Corporation has an authorized capital of 50 million soles, wholly subscribed by the State.

The Corporation is administered by a Board of Directors consisting of the Minister of Fisheries or his appointee (chairman), the Director-General of Processing of the Ministry of Fisheries, the General Manager, two representatives of the public sector of fisheries, appointed by the Minister, one representative of the private sector nominated by the Minister, and a representative of the workers of the Corporation. Detailed provisions concerning the functions and powers of the Board of Directors, the General Manager, and other organs of the Corporation are set out in the Regulations.

XVIII/2 – ORGANIZATION OF INDUSTRIAL AND
COMMERCIAL ACTIVITIES. COOPERATIVES

MALAYSIA. – **Fishermen's Associations Regulations, 1972, under the Fishermen's Associations Act, 1971**¹. – 20 May 1972. – *His Majesty's Government Gazette* No. 12, 8 June 1972, Supplement No. 39 (Legislative Supplement (A)), p. 525. [Summary.]

These Regulations, which came into force on 4 May 1972, govern the formation, management and operation of Fishermen's Associations.

Parts II and III deal with the formation of Area, State and National Fishermen's Associations, the functions of preparatory and protem committees, and set deadlines for the election of officers and representatives.

Membership of an Area Fishermen's Association may be ordinary or associate, depending on whether the member is a professional fisherman, or a research worker or other person engaged in the development and improvement of the fishing industry. Associate membership carries no right to vote or hold office. The Board of Directors of an Association may consist of both elected directors and a limited number of directors appointed by the Minister of Agriculture and Fisheries.

Voting in a Fishermen's Unit is open to all members of the Unit. In an Area Association only Unit representatives, Unit chiefs and the Board of Directors of the Area Association may vote. Where the Area Association has less than 250 members, no Fishermen's Units may be formed. In any case, the Board of Directors may, for other reasons, decide not to form such units, subject to the consent of the State supervisory officer. In this case, voting is open to all members of the Association. In State Fishermen's Associations, voting is by area representatives, the chairmen of Area Associations and the Board of Directors of the State Association. A similar voting structure applies to National Associations.

Part V details the procedures for calling and powers of meetings of Units and Associations. Elections for office are to be held once every two years at annual general meetings under the supervision of the Registrar. Elections are valid only where there are candidates for at least two thirds of the Board who are primary fishermen rather than processors or dealers, etc. Elected officers are subject to dismissal only after they have held office for more than 6 months and on a petition signed by at least half of those entitled to vote in the annual general meeting of the Unit or Association.

¹ *Ed. Note:* A summary of the Malaysian Fishermen's Associations Act, 1971, was published in *Food and Agricultural Legislation*, Vol. XXI, No. 2, December 1972, p. 44.

Part VI lays down the procedures for the admission of new Area Fishermen's Associations into existing State Fishermen's Associations and the formation of new Fishermen's Units.

Part VII lays down the procedure to be followed by any existing society involved in fisheries wishing to be enrolled as a Fishermen's Unit in an Area Fishermen's Association.

HUNGARY. – See under VIII/1.

NORWAY. – Act No. 22 relative to the State Fisheries Bank. – 28 April 1972. – *N.L.* No. 15, 5 June 1972, p. 552. [Comprehensive enactment. Brought into force as from 1 July 1972 by Crown Resolution of 23 June 1972.]

XVIII/3 – FINANCIAL MEASURES

NETHERLANDS. – Order No. J.1649 on the reform of the inland-water fishing sector, 1972. – 14 September 1972. – *Stc. No.* 180, 15 September 1972, p. 8. [Payment of a contribution, in certain circumstances, to fishermen who cease to practise fishing of certain kinds of sea fish, etc.]

NORWAY. – See under XVIII/1.

SPAIN. – See under XVI/4.

XVIII/6 – HEALTH, EDUCATION AND WELFARE

GERMANY (Federal Republic). – Order on the vocational training for fish breeders. – 16 November 1972. – *BGBI.* I No. 124, 24 November 1972, p. 2136. [Comprehensive curriculum.]

PANAMA. – See under XVI/1.

PERU. – Supreme Resolution No. 423-72-TR approving the Regulations of the Fishermen's Pension Fund. – 20 June 1972. – *El P.* No. 9362, 24 June 1972, p. 9. [Nine Chapters; 72 Regulations. Fund instituted by owners and employees and approved by Ministerial Resolution No. 008 of 9 January 1970.]

XIX. WILDLIFE

XIX/2 – GENERAL WILDLIFE LEGISLATION

AUSTRALIA (South). – Regulations under the National Parks and Wildlife Act, 1972. – 29 June 1972. – *S.A.G.G.* No. 30, 29 June 1972, p. 2865. [General basic provisions. Repeal the regulations specified in the first schedule to the Act.]

COLOMBIA. – Order No. 4 of 1971 of the Board of INDERENA laying down rules for restocking of wildlife, the release thereof in others than their original habitats; and the introduction of wild animals into the country. – 24 February 1971. – *D.O.* No. 33468, 25 November 1971, p. 695. [Types of restocking; purpose; preliminary investigations; control and management; prohibition of hunting.]

NORWAY. – Ordinance on the protection of wolf in the whole country and of bear, in Oppland and Buskerud fylke. – 26 May 1972. – *N.L.* No. 18, 26 June 1972, p. 702. [Bear or wolf may be killed if necessary to avert direct attack on domestic animals or tame reindeer.]

XIX/3 – HUNTING REGULATIONS. GAME RESERVES

FINLAND. – Ordinance on hunting of elk. – 10 September 1971. – *F.F.* 1971, No. 684. [Extensive provisions.]

NIGER. – Decree No. 72-88/MER/MI prohibiting hunting in Niger. – 20 July 1972. – *J.O.R.N.* No. 16, 15 August 1972, p. 430. [Prohibits all hunting, except in respect of noxious birds and animals, specified in Decrees Nos. 65-108 MER/MI of 13 August 1965, and 66-101 MER/MI, of 1 June 1966.]

XIX/4 – NATIONAL PARKS AND NATURE RESERVES

COLOMBIA. – Order No. 3 of 1971 of the Board of INDERENA issuing the Statutes of INDERENA Wildlife Areas (*Acuerdo N° 3 de 1971 por el cual se establece el Estatuto de los Territorios Faunísticos del Inderena*). – 24 February 1971. – *Diario Oficial* No. 33468, 25 November 1971, p. 694.

CHAPTER I

PURPOSE

1. In exercise of the powers conferred by Extraordinary Decree No. 2420 of 1968¹ and in conformity with the laws in force in these matters, the

¹ Decree No. 2420 of 1968 reforming the structure of the agricultural sector. – 24 September 1968.

Institute for the Development of Renewable Natural Resources (INDERENA)¹ hereby adopts the following Statutes for the Wildlife Reserves.

The principal purposes of such Wildlife Reserves shall be:

- (a) the conducting of research on, and the conservation, propagation and restoration of, the country's wildlife resources;
- (b) the establishment and promotion of, and provision of instruction in, updated and otherwise improved techniques for the development and exploitation of the country's wildlife resources.

CHAPTER II

ADMINISTRATION AND DEVELOPMENT

2. Responsibility for wildlife management within the said Wildlife Reserves shall be vested in INDERENA.

3. As administrative authority where the country's wildlife is concerned, INDERENA shall have, *inter alia*, the following terms of reference, pursuant to Article 2 of this Order, within the said Wildlife Reserves:

- (a) to inspect and supervise the introduction, and the transfer from one area to other areas, of wildlife, whether flora or fauna, and the products thereof;
- (b) to provide for the conservation, restoration and promotion of wildlife, both flora and fauna, to be found in the said Wildlife Reserves;
- (c) to issue technical rules for the establishment of breeding facilities and hunting reserves;
- (d) to conduct research on, and otherwise work for the genetic improvement of, the country's wildlife;
- (e) to study and disseminate methods of domesticating and raising wildlife species;
- (f) to produce individuals of wildlife species for the purpose of restoring primary ecosystems whenever this is deemed to be technically appropriate;
- (g) to be the expert body on matters pertaining to the biological cycles, feeding habits and ecology of native populations of wildlife species;

¹ INDERENA – *Instituto de Desarrollo de los Recursos Naturales Renovables*. A summary of Decree No. 842 of 26 May 1969, containing the INDERENA Statutes, was published in *Food and Agricultural Legislation*, Vol. XX, No. 2, December 1971, p. 57.

- (h) to conduct research on zoonoses and preventive animal disease control in relation to the various wildlife species, in collaboration with other agencies, both national and foreign;
- (i) to study new methods and techniques for the rational and integrated management of national wildlife species;
- (j) to lay down and develop technical rules for the biological control of wildlife species; and
- (k) to investigate those aspects of ecology and primary production likely to have a bearing on the management of wildlife species and of ecologically similar areas.

CHAPTER III

ORGANIZATION; DEFINITIONS

4. A Wildlife Reserve shall consist of the following:

- (a) Primitive Area;
- (b) Experimental Management Area;
- (c) Intensive Experimentation Area;
- (d) Intensive Activity Area;
- (e) Roadway Area.

5. There shall be understood by:

- (a) Primitive Area, that portion of the Wildlife Reserve within which may be carried out investigations, but not management practices, by the scientific staff of INDERENA, and where natural areas are to be maintained as controls and for the purpose of conservation of the wildlife of the respective ecosystems within the Wildlife Reserve. The public shall not have access to Primitive Areas;
- (b) Experimental Management Area, that area set aside for conservation and experiment purposes in natural environments modified to a limited degree in certain of their aspects. The public shall have access to these areas of the Wildlife Reserves but subject to stringent limitations;
- (c) Intensive Experimentation Area, that area in which experiments are conducted to an intensive degree such as may entail significant modifications of the environment in areas, of limited size, and which are expected to yield technical findings that it is intended shall be applied in Experimental Management Areas. The public may have access to Intensive Experimentation Areas subject to special conditions;

- (d) Intensive Activity Area, that area in which are located accommodation facilities, shelters, laboratories, depots, landing strips, parking places, residential premises, visitor centres, picnic and barbecue sites and similar facilities. The general public may have access to Intensive Activity Areas subject to the provisions of this Order and to such conditions as the Institute may prescribe for the purpose;
- (e) Roadway Area, the total surface area and sites within each Wildlife Reserve taken up by roads leading to the respective areas thereof and necessary for access to research sites and to Intensive Activity Areas. Certain sectors of the said Roadway Area may be used by the public for the pursuit of its own activities.

6. Areas referred to in the foregoing articles shall be declared in the light of technical surveys and of investigations into the ecosystems making up the respective INDERENA Wildlife Reserve.

CHAPTER IV

EXTENSION AND ADVISORY SERVICES

7. The findings of surveys and research on the country's wildlife resources within Wildlife Reserves shall be published by INDERENA.

8. The Institute may provide technical training services in relation to wildlife, at the facilities of the said Wildlife Reserves, for the staff of private undertakings to which it has afforded assistance in the establishment of breeding facilities and hunting reserves:

Provided that the General Manager of INDERENA shall determine the charge for the training courses referred to in this Article.

9. INDERENA may enter into contracts with bodies engaging in the provision of vocational training or wildlife research for the supply of installations within its Wildlife Reserves.

10. INDERENA shall provide the services of guides for the purpose of explaining to the public the ecosystems within Wildlife Reserves.

CHAPTER V

OBLIGATIONS AND PROHIBITIONS

11. Any individual or body corporate that has obtained a permit from, or has entered into a contract with, INDERENA for the use of installations in Wildlife Reserves for the purpose of research and other wildlife studies shall upon termination of such research or studies submit to the Institute a detailed report on the work so performed and of the findings thereof:

Provided that the obligations referred to in this Article shall be stipulated in the text of such contracts as INDERENA may enter into pursuant to Article 9 of this Order.

12. Contracts entered into by INDERENA pursuant to Article 9 of this Order may in no event be for a term in excess of one year for any one agency for any one specific and detailed study:

Provided that the Institute may in special cases extend the term of such contracts referred to in this Article.

13. Within Wildlife Reserves, it shall be prohibited for any private person:

- (a) to engage in activities having to do with hunting or fishing;
- (b) to make use of systems, practices or methods which may result in stampedes, or the disturbance or dispersion of wildlife;
- (c) to be in possession of arms or equipment that may serve the purpose of hunting or fishing;
- (d) to introduce any kind of animals;
- (e) to make use of insecticides or pesticides or any other toxic substance which, in the opinion of the Head of the Project in question, may cause harm to the flora or fauna;
- (f) to feed animals;
- (g) to chase, round up or trail animals from any kind of vehicle;
- (h) to collect any kind of nature material without prior express authorization from the Head of the Project in question;
- (i) to set fire to the vegetation or light bonfires without prior authorization from the Head of the Project;
- (j) to enter reserved areas without certificates of vaccination against smallpox, yellow fever, diphtheria, tuberculosis and tetanus;
- (k) to enter reservations without presenting a medical certificate to the effect that the holder is not suffering from infectious or contagious diseases;
- (l) to enter closed areas.

14. All activities contrary to the purposes of Wildlife Reserves are hereby prohibited.

CHAPTER VI

CONTROL AND SUPERVISION

15. The control and supervision of Wildlife Reserves shall be the responsibility of INDERENA pursuant to the law governing these matters.

CHAPTER VII

PENALTIES

16. Violations of the provisions of this Order shall be punished with a fine of from 100 pesos to 500 pesos or with a proportional term of imprisonment as prescribed by law, provided that such term shall not exceed 180 days, together with the seizure of the bag or of the articles collected, as well as all implements and equipment used in the commission of such violations.

17. The proceeds of the fines referred to in the foregoing Article shall be paid into the assets of INDERENA.

18. Wildlife products and any implements or equipment seized on the grounds of violations of the wildlife and flora regulation or of this Order shall be disposed of by INDERENA for such purposes as it may deem appropriate.

19. Insofar as firearms are affected by seizure, the provisions of Article 51 of INDERENA Order No. 20 of 27 November 1969 shall apply.

20. Decisions concerning the punishment of violations of this Order may be appealed to the immediately higher authority. Appeals shall be lodged within five days following notification but shall not have the effect of staying execution.

21. The penalties referred to in this Order shall not constitute a bar to such criminal proceedings as may be appropriate.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

22. The General Manager of the Institute shall be empowered to provide for the implementation of this Order.

23. This Order shall enter into force as from the date of issue.

AUSTRALIA (South). – See under XIX/2.

PORTUGAL. – Order No. 636/71 creating, in the Hydrographic Institute, a Commission for the Coordination of Submarine National Parks. – 22 November 1971. – *D.d.G.* No. 274, 22 November 1971, p. 1795. [Abolishes the Commission referred to in the Order of 8 April 1970.]

XX. ENVIRONMENT

UNITED STATES OF AMERICA. – **Cooperation in Environmental Protection** – Agreement between the United States of America and the Union of Soviet Socialist Republics. – 23 May 1972. – *Treaties and other International Acts Series 7345.* [Summary.]

Pursuant to the Agreement between these two countries on Exchanges and Cooperation in Scientific, Technical, Educational, Cultural, and other Fields in 1972-1973, of 11 April 1972, the parties agree to develop cooperation in the field of environmental protection.

This cooperation concerns chiefly the implementing of joint measures to prevent pollution, to study pollution and its effects on the environment and to develop the basis for controlling the impact of human activities on nature.

It is to be implemented in such areas as air pollution, water pollution, environmental pollution associated with agricultural production, and legal and administrative measures for protecting environmental quality.

To attain these ends the following means are to be adopted: exchange of scientists, experts and research scholars; organization of conferences and meetings of experts; exchange of scientific and technical information; joint implementation of projects in the field of basic and applied sciences.

The Agreement is to remain in force for five years, and may be extended for successive periods of five years.

DENMARK. – Act to amend the Nature Protection Act. – 7 June 1972. – *Lt. A No. XXVIII*, 11 July 1972, text 284, p. 550. [Miscellaneous amendments, mainly administrative, to the Act of 18 June 1969 (No. 314).]

NETHERLANDS. – Order No. J.254 appointing a Commission on the prevention of nuisances from stock farms. – 25 February 1972. – *Stc. No. 41*, 28 February 1972, p. 3. [To advise on prevention of nuisance due to presence of manure and other malodorous sources.]

PORTUGAL. – See under XVI/1.

SOUTH AFRICA. – Act No. 78, 1972: Weather Modification Control Act, 1972 (An Act to control activities which may alter natural weather conditions). – 12 June 1972. – *G.G. No. 3577*, 21 June 1972, p. 3.

SPAIN. – Convention on Fishing and Conservation of the Living Resources of the High Sea: See under XVI/1.

UNITED KINGDOM. – Deposit of Poisonous Waste Act 1972 (An Act to penalise the depositing on land of poisonous, noxious or polluting waste so as to give rise to an environmental hazard, and to make offenders liable for any resultant damage; to require the giving of notices in connection with the removal and deposit of waste; and for connected purposes). – 30 March 1972. – *C.L. St.* 1972, Chapter 21. [General prohibition; duty to notify; operation of commercial tips; local authorities and their functions; commission of offences by bodies corporate.]





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